

# KENTUCKY MIGRANT EDUCATION PROGRAM

## HANDBOOK FOR IDENTIFICATION AND RECRUITMENT



**KENTUCKY DEPARTMENT OF EDUCATION  
REVISED 2014**



# ACKNOWLEDGMENTS

The Kentucky Migrant Education Program would like to acknowledge and thank the following individuals who assisted in the preparation and revision of the first *Kentucky Identification & Recruitment Manual*.

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A special thank you to the dedicated recruiters and advocates of the Kentucky Migrant Education Program for providing tips, tricks, tools and insight for the purpose of the manual. YOU are truly the backbone of this program and none of the wonderful things the program does would be possible without YOU.

Another special thank you to Florida for providing assistance and guidance with all aspects of the *ID&R Manual*.

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## I. INTRODUCTION

Children of migrant workers are affected by repeated moves, disruption in schooling, poverty, health needs, social isolation and language barriers. These children run a greater risk of failing to meet the challenging state content and performance standards that all students are expected to meet. Low academic achievement and frustration with school cause many migrant children to drop out in their early teens. To reduce the impact of these educational barriers, the U.S. Congress authorized federal funding to establish the Migrant Education Program (MEP) in 1966 under the authority of Title I of the Elementary and Secondary Education Act (ESEA). The United States Department of Education (USED) currently administers the Office of Migrant Education (OME), which is responsible for meeting the special needs of migratory children and youth.

As stated in the No Child Left Behind Act of 2001, the purpose of the MEP is to:

1. support high-quality and comprehensive educational programs for migratory children to help reduce educational disruptions and other problems that result from repeated moves
2. ensure that migratory children who move among the states are not penalized in any manner by disparities among the states in curriculum, graduation requirements and state academic content and student academic-achievement standards
3. ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner
4. ensure that migratory children receive full and appropriate opportunities to meet the same challenging state academic content and student academic-achievement standards that all children are expected to meet
5. design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems and other factors that inhibit the ability of such children to do well in school and to prepare such children to make a successful transition to postsecondary education or employment
6. ensure that migratory children benefit from state and local systemic reforms

To achieve this purpose, OME assists state education agencies (SEAs) in administering the MEP within their states. Each SEA receiving MEP funds is responsible for developing and implementing programs that assist migrant children to overcome the educational barriers resulting from their migratory lifestyle. The Identification and Recruitment (ID&R) of migrant children and youth is the first step in carrying out this important work. As such, these activities, conducted in every school district where migrant children reside and are served, are the foundation of the MEP.

The Kentucky Department of Education (KDE) is ultimately responsible for the identification and recruitment of all eligible migrant children in the state and must secure all pertinent information to document the basis of a child's eligibility. KDE sub-grants MEP funds to local educational agencies (LEAs) to administer ID&R and other program activities at the local level. It is imperative that KDE and LEAs effectively implement the state guidance for ID&R.

Districts have the responsibility to assist the state in identifying and recruiting migratory children. Kentucky districts are required by law to cooperate with USED in identifying, reporting and serving migratory children residing in their areas. As indicated in Kentucky

Administrative Regulations, Title 704, Chapter 3:292 Office of Instruction, Chapter 1,  
ESSIA Migrant Education Requirements:

RELATES TO: KRS 156.010, 156.035, 156.070

STATUTORY AUTHORITY: KRS 156.070

NECESSITY, FUNCTION AND CONFORMITY: In accordance with Section 435 of the General Education Provisions Act and sections 1201, 1202 and 1203 of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, the Department of Education, when applying to the U.S. Department of Education for participation in programs for migrant children under Chapter 1 of the Education Consolidation and Improvement Act of 1981, must submit an approvable plan and satisfactory assurances that all requirements of the law will be met. This administrative regulation implements the State Board for Elementary and Secondary Education's duties to develop education policy, to implement acts of Congress appropriating and apportioning funds to the state and to provide for the proper apportionment and disbursement of federal migratory children funds in accordance with the state's current plan.

Section 1. (1) The Department of Education shall implement services to children by making grants to local school districts which have concentrations of eligible migrant children.

(2) Participating school districts shall submit an annual application for funds to provide services to eligible children.

(3) The application shall be authorized by the local board of education and be approved by the Department of Education.

(4) Participating school districts shall perform an annual assessment of the needs of eligible migrant children.

(5) Participating school districts shall coordinate the migrant program with other federal, state and local programs and agencies as appropriate.

In addition, the use of program funds for ID&R is authorized through USED's Code of Federal Regulations (34 CFR, Part 200):

**§ 200.82 Use of program funds for unique program function costs.**

An SEA may use the funds available from its State Migrant Education Program (MEP) to carry out other administrative activities, beyond those allowable under § 200.101, that are unique to the MEP, including those that are the same or similar to administrative activities performed by LEAs in the State under subpart A of this part. These activities include but are not limited to –

(a) Statewide identification and recruitment of eligible migratory children.

The purpose of the Kentucky Migrant Education Program (KYMEP) is to assist the state to\*:

1. ensure migratory students are being assisted in meeting the six Kentucky Board of Education goals set for all students
2. ensure migratory children and families are meeting the Measurable Performance Objectives (MPO) that are established in the Comprehensive Needs Assessments (CNA) and the Service Delivery Plan (SDP)
3. support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruption and other problems that result from repeated moves
4. ensure that migratory children who move among the states are not penalized in any manner by disparities among the states in curriculum, graduation requirements and state academic content and student-academic achievement standards
5. ensure that migratory children are provided with appropriate instructional

services (including supportive services) that address their special needs in a coordinated and efficient manner

6. ensure that migratory children receive full and appropriate opportunities to meet the same challenging state academic content and student academic-achievement standards that all children are expected to meet
7. design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of migrant children to do well in school and to prepare them to make a successful transition to postsecondary education or employment
8. ensure migratory children benefit from state and local systemic reforms

\*Based upon the KY MEP Grant Application 2014-2015

The objective of this manual is to familiarize recruiters with the rules and procedures for ID&R under Kentucky's MEP. In addition, this manual will explain how important the role of a recruiter is to the program and to migrant children and youth. It is a reference guide designed to help recruiters:



- make proper eligibility determinations
- understand the KYMEP updates and changes
- complete necessary documentation
- support quality control measures established by the SEA and LEA

The manual provides valuable information for recruiters and recruitment staff regarding ID&R strategies and procedures for making proper eligibility determinations.

Chapter II discusses the purpose of ID&R and the importance of finding migrant children and youth, and provides an overview of the process. Chapter III explains the roles and responsibilities of recruiters and local districts. Chapter IV provides an in-depth discussion of the recruitment process. This chapter also discusses the program's eligibility criteria

and discusses the importance of quality control assurances in the ID&R process. Chapter V provides suggestions for effective communication with parents. Chapter VI reviews key strategies for recruitment. Chapter VII discusses the role of technical assistance in the Kentucky MEP (KY MEP).

This manual contains key tools and structures that will facilitate the reader's understanding of the Kentucky ID&R policies. Readers will notice direct references to the OME's 2003 Draft Non-Regulatory Guidance (including the 2010 update to Chapter 2) and the Code of Federal Regulations (as published on the Federal Register Notice of July 29, 2008). These references will further assist readers to understand how and why Kentucky has determined its state policies regarding ID&R. These references will be marked as direct quotes and will include citations to their specific locations within the OME Non-Regulatory Guidance. Other tools, such as a glossary of definitions, a list of acronyms and their definitions, instructions for completing the Certificate of Eligibility (COE), other checklists, ID&R plans and logs, and other important information for recruiters, are located at the end of this manual for reference.

***Tip boxes will appear throughout the manual, providing specific information relevant to the content on the page.***



## II. PURPOSE OF IDENTIFICATION AND RECRUITMENT (ID&R)

### a. What is ID&R and Why is it Important?

*Identification* means to determine the location and presence of migratory children/youth.

*Recruitment* means to contact migrant families, explaining the MEP, securing the necessary information to make a determination that the child/youth is eligible for the MEP and recording the basis of the child's eligibility on a Certificate of Eligibility (COE). Upon successful identification of a migrant family, eligible children may be enrolled in the MEP.

*Identification and Recruitment (ID&R)* means locating and contacting the family to ascertain a child's eligibility for the MEP.

As indicated in OME policy guidance, ID&R activities are critical because:

- The children who are most in need of program services are often those who are the most difficult to find.
- Many migrant children would not fully benefit from school, and in some cases would not attend school at all, if SEAs did not identify and recruit them into the MEP. This is particularly true of the most mobile migrant children who may be more difficult to identify than those who have settled in a community.
- Children cannot receive MEP services without a completed certificate of eligibility.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2003.

Each SEA is responsible for the proper and timely ID&R of all eligible migrant children residing in the state from birth to their 22nd birthday. The amount of funding allocated to KDE from USED is determined by the number of recruited eligible migrant children and youth, ages 3 through 21, residing in the state. States are responsible for maintaining documentation of proper eligibility determinations for each migrant child funded.

### b. How is a Migratory Child's Eligibility Documented?

The document used to record eligibility in Kentucky is the Certificate of Eligibility (COE). The KY MEP has determined that the COE is the only document acceptable for use in the state to document eligibility for MEP services.

A sample of the COE is in Appendix A.

## c. Overview of the ID&R Process

Identification and recruitment of migrant families requires detailed and rigorous efforts. As the migrant population changes, the state and LEAs must adopt ID&R strategies to accurately reflect the changing demographics of the migrant population. There are several steps that recruiters must follow for effectively recruiting migrant families:



***Wear proper attire! Dress casually and comfortably. Wear walking shoes and clothes that would help you and the family feel comfortable.***

- **Be Prepared** Understand the purpose of the MEP and its benefits to migrant children and youth.
- Know the definition of migratory children and youth.
- Develop an understanding of MEP eligibility factors.
- Determine recruitment logistics – when, where and how to concentrate ID&R efforts.
- Get to know the area: why migrant families move here, where families reside and where families obtain qualifying work.
- Understand the culture and lifestyle of migrant families.

### Find the Migrant Family, Child/Youth

- Contact employers, agencies, district school staff, public officials and service providers to establish a community network.
- Develop and maintain an ID&R network of parents, growers, employers, service providers and others.
- Canvass the areas in which migrant families and youth are likely to reside and shop.

### Approach the Families

- Be sensitive to all socio-economic living conditions.
- Be sensitive to possible legal worries.
- Demonstrate a helpful, non-threatening, non-authoritative demeanor to create trust with families.

### Interview the Family

- Conduct a face-to-face initial interview.
- Use an approved interview protocol.
- Use appropriate conversation, body language and questioning techniques during the interview.
- Explain in general terms the reason for interview (without making promises).
- Collect all needed information to determine eligibility.

### Determine Eligibility

Determine eligibility of the child/youth using:

- Use the Basic Interview Patter (BIP) and answer questions to determine eligibility
- Interview responses – Does the information supplied make sense? Is it credible?
- Observational data – Are there any clues that suggest the family is migrant, (e.g., out-of-state license plates, children born in other states)?
- Corroborating evidence/documentation – Can the family name other places where they obtained qualifying employment? Can the family indicate where they have applied for qualifying work?

- Remember that it is the recruiter – through the proper guidance from the LEA, regional office, SEA and the quality control plan – who determines eligibility, not the family, child or youth.
- Refer families who do not qualify to the proper agencies for needed services.

### Complete the COE

- Properly – correct information is entered in the appropriate fields in blue ink.
- Accurately – names, dates and locations are correct as verified by the family.
- Neatly – mistakes are kept to a minimum.
- Timely – verifying information should be completed within 10 working days.



#### What information does it take to start a COE?

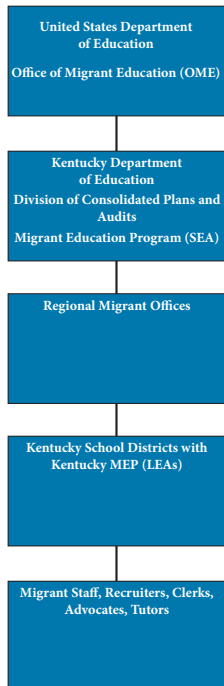
1. age-birth to 22 years old
2. no United States high school diploma or GED obtained
3. moved within the past 36 months
4. moved across school district lines
5. moved due to economic necessity

### Follow Quality Control Measures

Recruiters who completed the COE should:

- validate and verify information on their questionable COEs
- acquire more documentation from the families to determine eligibility, if needed (especially during re-interviews).
- have a peer recruiter, migrant advocate and/or Migrant Program administrator review the COE for errors and omissions.
- obtain additional guidance on any questionable eligibility decision from the regional office or the State Migrant Education Program
- complete re-certifications and re-interviews of previously enrolled migrant families
- follow the established SEA written re-interview protocol
- conduct preliminary district re-interviews of enrolled families/youth
- properly remove and notify enrolled families/youth that have been found ineligible

### Kentucky ID&R Organizational Chart



### d. Overview of Kentucky's ID&R System

As mentioned previously, KDE receives support from OME to implement all aspects of the MEP. The Non-Regulatory Guidance (NRG) issued by OME in October 2003 and August 2010 and the Code of Federal Regulations (as published on the Federal Register Notice dated July 29, 2008) provide guidance regarding ID&R. Kentucky used the NRG and the CFR in creating this manual.

It is important to clearly understand everyone's role within the ID&R organizational hierarchy. Therefore, the ID&R administrative hierarchy in Kentucky is: With the assistance of the Regional Migrant Offices, the KY MEP state office administers all ID&R efforts in the state. The KY MEP state office receives all data regarding ID&R in Kentucky. Part of each LEA's yearly allocation for their local MEPs is designated for ID&R efforts. LEAs use these funds appropriately to hire recruitment staff, attend and/or provide ID&R training, and implement their local quality control plans

With the assistance of the Regional Migrant Offices, the KY MEP state office administers all ID&R efforts in the state. The KY MEP state office receives all data regarding ID&R in Kentucky. Part of each LEA's yearly allocation for their local MEPs is designated for ID&R efforts. LEAs use these funds appropriately to hire recruitment staff, attend and/or provide ID&R training, and implement their local quality control plans.

With the assistance of the Regional Migrant Offices, the KY MEP state office administers all ID&R efforts in the state. The KY MEP state office receives all data regarding ID&R in Kentucky. Part of each LEA's yearly allocation for their local MEPs is designated for ID&R efforts. LEAs use these funds appropriately to hire recruitment staff, attend and/or provide ID&R training, and implement their local quality control plans.

### III. ROLES AND RESPONSIBILITIES

What is a recruiter?  
Who can be a recruiter?  
What qualities should a recruiter possess?  
Where does a recruiter work?

This section attempts to answer these and other questions regarding the complex and challenging job of recruiters. Understanding the important role of a recruiter in the MEP provides a greater appreciation of the individual's efforts and critical contributions to the program.

#### a. Primary Responsibility

According to the Non-Regulatory Guidance (2003 MEP Non-Regulatory Guidance, Chapter III, A8), a recruiter's primary responsibilities are:

- (1) to obtain information provided by parents, guardians and others regarding the child's eligibility for the MEP
- (2) to make determinations of eligibility
- (3) to accurately and clearly record information that establishes that a child is eligible for the MEP on a COE or like form

Recruiters are to gather and record all information necessary from parents, guardians and out-of-school youth (OSY) to make proper eligibility determinations.

#### b. Recruiter Responsibilities

Kentucky recruiters are expected to:

- attend state or local annual and ongoing recruitment trainings
- actively locate prospective migrant children and youth
- conduct family interviews
- gather and analyze information given by prospective migrant families/youth
- establish proper eligibility determinations based on the guidelines outlined in this manual and in the Non-Regulatory Guidance and the statutes governing the MEP
- record information accurately and in detail on the COE
- follow proper procedures and protocol regarding the review of COEs
- maintain detailed work logs regarding all ID&R activities
- maintain an accurate and up-to-date ID&R individual recruitment plan

Additional duties for recruiters may vary depending on the size of the district's migrant population and geographical location. They may include but are not limited to:

- serve as a home-school or community liaison
- help refer migrant parents to community agencies for needed services
- provide student support services

## c. Recruiter Characteristics

An effective recruiter should possess certain characteristics. In terms of the MEP, an effective recruiter:

- must be adequately trained prior to recruiting families
- must be honest; families and the MEP expect a recruiter's honesty, objective efforts and eligibility determinations
- must maintain a thorough knowledge of the MEP, its definition and its eligibility guidelines
- must conduct initial eligibility interviews in person
- must determine eligibility based on the guidance provided in this manual, local quality control procedures, the regional office, KDE and OME
- must record eligibility information properly, accurately and neatly on the COE
- must be aware of and adhere to safety procedures
- must be able to establish rapport with parents, employers and other community members; effective rapport with these individuals will facilitate the recruiter's job of finding families and obtaining any information needed to determine proper eligibility
- should create a friendly climate in which the family's culture and values are respected to establish trust and to gather the most accurate, useful information possible
- should be knowledgeable of migration patterns, crop seasons, migrant housing, MEP local services and other resources available in the community
- should relate comfortably with the worker or family in a variety of settings
- should possess effective interpersonal and communication skills
- should use effective probing techniques such as open-ended and follow-up questions for additional information or clarification when needed
- should be bilingual or able to use translation services efficiently
- should have flexible work schedules to accommodate migrant worker hours and harvesting seasons
- should serve as a goodwill ambassador and advocate for migrant families

Texas Education Agency, Office of Migrant Education, *Manual for the Identification and Recruitment of Migrant Students*, Austin, Texas, 2006.

## **d. Kentucky Recruiter Code of Ethics**

To ensure consistency and professionalism throughout Kentucky, recruiters are expected to follow the guidance of the Kentucky Recruiter Code of Ethics.

This code will assist all recruiters to understand the state's minimum expectations of how a recruiter should conduct him/herself while working with and representing the Migrant Education Program in local communities.

The code of ethics is found in Appendix B.

## **e. LEA Responsibilities**

The LEA must comply with all federal and state guidelines regarding ID&R. The district should:

- develop and implement a local ID&R Plan
- develop and implement written local quality control procedures
- prepare a detailed local job description for recruiters
- ensure local recruiters attend all recruitment trainings provided by the regional office and the SEA
- assist the regional offices and KY MEP in the logistical coordination of recruitment trainings
- provide recruiters ample time to conduct ID&R activities such as conducting interviews and follow-ups, gathering documentation, and visiting schools and employers
- provide flexible work hours to perform ID&R activities during nights and weekends
- provide translators to assist non-bilingual recruiters during recruitment efforts
- ensure translators assisting with recruitment efforts attend all recruitment trainings provided by the regional office and the SEA
- demonstrate efforts toward active ID&R of migrant students at all levels, including preschool, in-school and out-of-school youth
- collect and maintain data on all recruitment efforts
- ensure 100 percent accuracy in all eligibility determinations
- submit any documentation and reports requested by the regional office, state director or state migrant consultants

Florida Migrant Education Program, *Identification and Recruitment Handbook*, Tampa, Florida, 2009.



## IV. THE ID&R PROCESS

### a. Properly Determining Eligibility

By properly identifying eligible students for the KY MEP, recruiters help to increase the educational resources available to migrant students in Kentucky. Appropriate recruitment efforts likely will result in funds for the KY MEP from OME. Also, when a recruiter accurately determines eligibility, he/she ensures KY MEP resources will benefit children who are legally entitled to them. Recruiters have the opportunity to connect migrant students to educational services by making proper eligibility determinations. It is the responsibility of the KY MEP to provide services only to children and youth eligible for the program. Therefore, recruiters/advocates have the responsibility of determining a migrant child/youth's eligibility based on the following guidelines.

#### i. The Statute, the Code of Federal Regulations and the Non-Regulatory Guidance on MEP Eligibility Criteria

There are specific criteria that a child must meet to be properly identified as a “migratory child” according to the No Child Left Behind Act of 2001. Simply moving and then working in agriculture or fishing activities, or being in the care of a parent or guardian who works in agriculture or fishing, does not necessarily mean that a child is eligible for the MEP.

According to sections 1115(b)(1)(A) [incorporated into the MEP by virtue of sections 1304(c)(2) of the statute and section 200.81(d) and 200.103(a) of the regulations], a child is a migratory child and eligible for the MEP services if **all** of the following conditions are met:

1. The child is not older than 21 years of age.

*AND*

2. The child is entitled to a free public education (through grade 12) under Kentucky law or is below the age of compulsory attendance.

*AND*

3. The child is a migratory agricultural worker, a migratory fisher or has a parent, spouse or guardian who is a migratory agricultural worker or a migratory fisher.

*AND*

4. The child moved within the preceding 36 months to seek or obtain qualifying work or to accompany or join the migratory agricultural worker or migratory fisher who moved within the preceding 36 months to seek or obtain qualifying work.

*AND*

5. With regard to the move identified in 4, above, the child:

- a. has moved from one school district to another; *or*
- b. in a state that is composed of a single school district, has moved from one administrative area to another within such district; *or*
- c. resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence to engage in or to accom-

pany or join a parent, spouse or guardian who engages in a fishing activity.  
[Kentucky is not a state composed of a single school district. None of Kentucky's 173 school districts are larger than 15,000 square miles. Therefore, only "5(a)" applies to Kentucky.]

6. The move by the qualifying worker (either the parent/spouse/guardian or the child him/herself) is "a change from one residence to another residence that occurs due to economic necessity" 34 CFR §200.81 (g); and the worker (agricultural or fisher) moved "in order to obtain" temporary employment or seasonal employment in agricultural or fishing work 34 CFR §200.81 (d, f).

Definitions for "migratory agricultural worker," "migratory fisher," "qualifying work," "temporary employment," "seasonal employment" and "in order to obtain" will be discussed later in this manual.

## ii. Kentucky MEP Eligibility Criteria

Based on the Non-Regulatory Guidance from OME, children must meet some basic eligibility criteria to be determined migratory. Kentucky must follow these criteria to properly determine a migrant child's eligibility for the MEP. The five key factors to properly determine a migrant child or youth's eligibility for the KY MEP are:

1. **Age** - The child is **not older than 21** years of age. A child/youth is no longer eligible once he/she reaches the age of 22 years old [No Child Left Behind, PL 107-110, Sections 1115(b)(1)(A), 1309(2) and 34 CFR §200.103(a)].
2. **School Completion** - The child has **not graduated from a United States high school and has not earned a GED**. A child is no longer eligible the moment he/she obtains a United States high school degree or a GED. [No Child Left Behind, PL 107-110, Sections 1115(b)(1)(A), 1309(2) and 34 CFR §200.103(a)]
3. **Time of move** - The child moved within the past **36 months**. The move by the children "with" or "to join" the migratory worker must have occurred within the past 36 months [34 CFR §200.81 (d)].
4. **Move** - The child moved **across school district lines**, and the worker moved due to economic necessity. In Kentucky, the child/youth must have moved across district lines to obtain (or seek) work for him/herself, to accompany his/her parents, guardian or spouse, or to join such parent, guardian or spouse [34 CFR §200.81 (d),(f) and (g)].
5. **Purpose** - One of the purposes of the worker/youth's move was to seek or obtain qualifying work [34 CFR §200.81 (c)]. The worker and his/her family/youth moved "in order to" find qualifying work. [No Child Left Behind, PL 107-110, Section and 1309(2) and Code of Federal Regulations 34 CFR §200.81(d, f)].
  - a. **Agricultural/Fishing** - The work meets the definition of **agriculture or fishing work** [34 CFR §200.81(a),(b),(d),( f)].
  - b. **Temporary/Seasonal** - The work meets the definition of **temporary or seasonal**. [34 CFR §200.81(j),( k)]

Having a clear understanding of these factors will assist recruiters or any other staff involved in recruitment-related activities to make a proper eligibility determination.

### iii. “STAMP of Eligibility”

Florida has developed an acronym to help recruiters remember the five criteria for eligibility determinations and has allowed Kentucky to use it as well. This acronym is referred to as the “STAMP of Eligibility” for determining proper eligibility in the state. The STAMP of Eligibility serves two purposes. First, it will improve recruiters’ comprehension of the eligibility factors and will assist them in making proper eligibility determinations. Second, STAMP will serve as a tool for school districts to implement effective quality control efforts that verify and validate all information on the COE. COEs without a local STAMP of Eligibility review have not been validated or verified yet.

#### STAMP of Eligibility

**S - School completion** – The child/youth has not graduated from a United States high school or earned a GED.

**T - Time of move** – The move of the child/youth, on their own, “with” or “to join” a qualified worker must have occurred within the past 36 months.

**A – Age** – The child/youth must be from 0 through 21 years old to meet the age criteria for the KY MEP.

**M – Move** – The child/youth must have moved across district lines to accompany his/her parents, guardian or spouse, or to join such parent, guardian or spouse, or to obtain (or seek) work for him/herself. The worker moved due to economic necessity.

**P – Purpose** – One of the purposes of the move made by the child/youth and the qualifying worker was to seek or obtain qualifying work.

**Agriculture/Fishing** – Work must meet the definition of qualifying work.

**Temporary/Seasonal** – The work meets the definition of temporary or seasonal.

For a child to be determined eligible for the MEP, he/she must meet all of the above factors. When all the factors are met, the COE then receives a STAMP of Eligibility.

The STAMP of Eligibility Flowchart can be found in Appendix C.

Florida Migrant Education Program, *Identification and Recruitment Handbook*, Tampa, Florida, 2009.

## iv. Who is Eligible for the KY MEP?

Children who meet the STAMP of eligibility criteria discussed earlier are eligible for the migrant education program. In most cases, these children are identified through a school registration process or by recruitment staff conducting interviews at home, in the workplace or throughout the community.

In some cases, however, there are special circumstances that require additional interpretation of the statute and the NRG to determine the population of eligible migrant students. These circumstances are discussed below.

### 1. Preschool Children and Out-of-School Youth



*When interviewing OSY, information can be verified by asking the same question two or three times in different ways. For example, a recruiter could ask an OSY his/her age and later on ask for date of birth. By doing so, the recruiter may be able to verify the information provided by the OSY.*

*Preschool children* are identified migrant children from birth to 5 years old. These children are eligible for preschool programs and should be actively recruited by the school districts. The services available for this population vary among school districts, but local programs should take the necessary steps to identify this hard-to-reach population. All eligible migrant children, from birth to 21 years old, should be documented appropriately in Section II (Child Data).

When recruiting preschool children, recruiters should make certain that the preschool child made the qualifying move with or to join the qualifying worker. Those children born after the qualifying move are not eligible for the MEP program but should be documented in the comments section of the Basic Interview Pattern (BIP) or COE. This is because these children may be eligible on future qualifying moves, so it is important to keep accurate information of every child in the household to identify every eligible migrant child in future qualifying moves.

*Out-of-School Youth (OSY)* refers to identified school-aged migrant youth up through age 21 who are entitled to a free public education in the state but who are not currently enrolled in a K-12 school and meet the definition of a “migratory child.” This could include students who have dropped out of school, youth who are working on a GED outside of a K-12 school and youth who are “here to work.” It does not include preschoolers. Sometimes OSYs are referred to as emancipated youth; however, for the purposes of the KY MEP, the official term will be “out-of-school youth” when referring to this population. Over the past few years, the number of OSY identified and enrolled into the program has increased. This has created a challenge and a concern for many districts regarding the ID&R of this population.

According to guidance from OME, emancipated youth are children “under the age of majority (in accordance with State law).” Emancipated youths are no longer under the control of a parent or guardian and are responsible for their own welfare. Emancipated youths may not be older than 21 years of age. Emancipated youths are eligible for the MEP as long as they meet the definition of a “migratory child” and all of the STAMP of Eligibility requirements are present.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2010, c. II, question A5-7.

Again, for the purposes of the KY MEP, the official term will be “Out-of-School Youth” when referring to this population. The Out-of-School Youth population is dynamic, and for many districts, the most difficult to identify and recruit.

- OSY have unique needs resulting from their migrant lifestyle. They face all the obstacles of education encountered by other migrant students and more.

- With the current focus by NCLB on high-stakes accountability, these youth may often be the first to be pushed out and the first to be forgotten.
- OSY need advocates, people who can both motivate them and help them access needed services.
- Young people not in school have little or no access to federal or state resources.
- Without increased educational attainment or improved English language skills, OSY will remain poor and isolated from the larger society and economy.
- Demographic patterns in the MEP are shifting away from the migration of families toward the migration of single males and females.
- OSY is the fastest-growing MEP population.

Strategies, Opportunities, Services for Out-of-School Youths, “About OSY” <http://www.osymigrant.org/>

The Strategies, Opportunities, Services for Out-of-School Youths is a Consortium Incentive Grant funded by the Office of Migrant Education to build capacity in states with a growing OSY population. Kentucky is a partnering state of this 20-state consortium.

Verifying age is a major concern when dealing with OSY. Sometimes this population will intentionally misinform the interviewer about their age in an attempt to discontinue the interview. Other times, they lie about their age as they attempt to obtain employment in agriculture or fishing and not attend school. It is important for the recruiter to verify the youth’s age not just once during the interview but two or three times throughout the interview to confirm that the interviewee is providing his/her true age. Documentation to help support his/her claim would be the best source for verification but is not required. Such documentation may be a pay stub with a birth date, report card, immunization card, employee ID card with birth date or work application.

### **Kentucky ID&R Policies Regarding Out-of-School Youth**

- Each OSY must be identified and recruited for the KY MEP.
- Recruiters must appropriately document OSY on the COE, which means documenting the OSY’s name in:
  - Parent/Guardian (Section I)
  - Eligible Child (Section II)
  - Qualifying Worker (Section III, Number 2b)
- If the “child” is the worker, write the child’s name for the Parent/Guardian data element (according to the National COE instructions).

Recruitment Strategies regarding OSY and preschool children can be found in Chapter IV of this handbook. Please visit [www.osymigrant.org](http://www.osymigrant.org) for additional resources and support with the OSY population.

### **2. Spouses and Guardians of Qualifying Workers**

Before making eligibility determinations, recruiters must understand who the qualifying worker and the migratory child are and their relationship. The recruiter will normally see cases of children migrating with their parents, or in the cases of OSY, the qualifying worker is the migratory child, as mentioned in the previous section. However, there are times

when the qualifying worker is not a parent, but a guardian or spouse. In some instances the sibling may be a guardian.



***When interviewing, documentation of a guardianship or spousal relationship is not needed for purpose of qualifying for the KY MEP.***

According to guidance from OME, in cases when the migratory child is traveling with a guardian (who is the qualifying worker) there are a few things recruiters should remember. Section 200.81(e) of the regulations specifically includes a child's move to accompany or to join a guardian who is a migratory agricultural worker or migratory fisher as a basis for a child's eligibility. Therefore, a migratory child's eligibility determination may be based on the child's parent, him/herself or a guardian he/she is traveling with or joining. For the purposes of determining eligibility in Kentucky, a guardian is any person who stands in the place of the migratory child's parent. Such guardians may include siblings, aunts/uncles, grandmothers/grandfathers, foster parents, cousins or even a crew leader. A legal document establishing guardianship is not necessary. As long as the guardian accepts responsibility for the migratory child, it is enough to determine the qualifying worker as the migratory child's guardian and make an eligibility determination.

At times, individuals travel with a spouse who also is the worker. When the recruiter is conducting the interview, he/she is not required to see any legal documentation that confirms the marriage. The recruiter only needs to be satisfied that a "spousal relationship exists" to make an eligibility determination of an individual whose spouse is the worker.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2010, c. II, question B2-5.

## **v. Who is NOT eligible for the KY MEP?**

Just as it is the responsibility of the recruiter to become aware of who is eligible for the KY MEP, he/she also is responsible for becoming aware of who is not eligible or who is no longer eligible. There may be family, children and youth who would benefit from the services provided by the KY MEP; however, they are not eligible because they do not meet the eligibility requirements for the program.

### **1. Migrant versus Immigrant**

According to U.S. law, an immigrant is a foreign-born individual who has been admitted to reside permanently in the United States as a Lawful Permanent Resident (LPR). These moves to the U.S. may have been for economic, social or religious reasons. Upon arriving, they may work in many different occupations that *may or may not* be agricultural or fishing. According to the eligibility factors, one of the *purposes* of the worker's move must be to obtain or seek qualifying work to be eligible for the KY MEP. For example, if an immigrant's purpose for moving to the U.S. was to escape political oppression, he or she is *not eligible* for the MEP. If an immigrant's purpose for moving to the U.S. *was* to obtain or seek qualifying work, he or she *is* eligible for the MEP, as long as all other STAMP of Eligibility criteria are met.

### **2. Migrant versus Refugee**

According to the Department of Homeland Security, a refugee is any person who is outside his or her country of nationality who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution. Persecution or the fear thereof must be based on the individual's race, religion, nationality, membership in a particular social group or political opinion. People with no nationality must generally be outside their country of last habitual residence to qualify as a refugee. Refugees are subject to ceilings by geographic area set annually by the president in consultation with Congress and are eligible to adjust to lawful permanent resident status after one year of continuous presence in the U.S.



For the purposes of the MEP, a refugee is not eligible for the program because the intent of the move was not to obtain qualifying work in agriculture or fishing.

Q: Can an immigrant or refugee ever complete a qualifying move as a migrant worker?

A: Yes. A worker's move from another country to the U.S. may qualify if one of the purposes for the move was to seek or obtain qualifying work. For example, orchard growers in the Northeast hire contract workers from Guatemala to pick crops for a short period of time. Assuming all other eligibility criteria are met, the children of these workers would qualify because one of the purposes of the move to the U.S. was to obtain qualifying work. The workers are not disqualified if they have other reasons for moving to the U.S. even permanent relocation, so long as one of the purposes of the move is to obtain qualifying work and the other conditions are met.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2010, c. II, question D31-33.

### 3. End of Eligibility

It also is important to know who is no longer eligible for the KY MEP. Those children/youth whose eligibility has ended can no longer be found eligible for the KY MEP. Some “end of eligibility” situations include:

- turning 22 years old
- completing high school or earning a GED
- ending of the 36 months eligibility period
- deceased

### 4. Crew Leaders/Field Walkers/Mechanics/Drivers

Crew leaders, field walkers, field mechanics or truck drivers (or similar position) are not eligible for the KY MEP. In the case where the worker in question is *dedicated only* to leading crews, mechanics or driving, he/she would not qualify for the KY MEP.

Based on determinations, a crew leader, field walker, field mechanic or truck driver position may qualify as agriculture activity when such jobs *also* include “hands-on” activity in the sorting, picking, packing, loading, grading, planting, pruning, thinning, cultivating, weeding, fertilizing, cutting, rolling or harvesting of crops or plants.

### vi. Qualifying Work

Qualifying work is defined by regulations as “temporary employment or seasonal employment in agricultural work or fishing work” (34 CFR §200.81(i)).

Activity is  
“temporary” or  
“seasonal”    +    Activity is  
“agriculture” or  
“fishing”    =    **Qualifying  
Work**

Only such activities that meet the KY MEP definition of qualifying work are accepted when properly determining MEP eligibility.

## 1. Agricultural Work

The most recent definition of agricultural work by the U.S. Department of Education indicates that such work “means the production or initial processing of crops, dairy products, poultry or livestock, as well as the cultivation or harvesting of trees that is performed for wages or personal subsistence” [34 CFR §200.81(a)].

Production refers to work on farms, dairies, ranches, orchards, nurseries and greenhouses engaged in the production of crops, plants or vines and the keeping, grazing or feeding of livestock or livestock products for sale. The term also includes dairy products, the production of bulbs, flower seeds, vegetable seeds and specialty operations such as sod farms, mushroom cellars and cranberry bogs. Activities may include planting, cultivating and harvesting crops; preparing land for such activities; raising or milking dairy farm animals; gathering eggs; raising livestock for eventual slaughter; and planting, cultivating and harvesting fruits and vegetables.



***For the purposes of the KY MEP, livestock does not include animals that are raised for sport, recreation, research or as pets.***

### a. Livestock

For the purposes of determining eligibility in Kentucky, “livestock” refers to any animal produced or kept primarily for breeding or slaughter purposes. These may include, but are not limited to, beef and dairy cattle, hogs, sheep and goats. Such agricultural work related to the production of livestock includes: herding, handling, feeding, watering, milking, caring for, branding, tagging and assisting in the raising of the livestock. Some animals are referred to as specialty or alternative livestock, such as deer, elk and bison. For the purposes of eligibility, these alternative livestock animals may be considered “livestock” as long as they are raised for breeding or slaughter purposes and not for sport or recreation. Animals hunted or captured in the wild are not considered “livestock.”

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2010, c. II, questions G6-8.

### b. Cultivation or Harvesting of Trees

In the context of trees, OME interprets cultivation to mean “work that promotes the growth of trees.” Such qualifying activities that are related to the cultivation of trees are:

soil preparation	plowing land	preparing land
sorting seedlings	planting seedlings	transplanting trees
staking trees	watering trees	removing diseased trees
applying insecticides	shearing tops and limbs	tending trees
pruning trees	felling trees	trimming trees

For the purposes of the MEP, harvesting refers to “the act of gathering or taking of the tree.” Such qualifying activities related to harvesting of trees are “topping, felling and skidding.”

There also are cultivating/harvesting activities in the tree industry that do not qualify for the KY MEP. Such activities are clearing trees in preparation for construction, trimming trees to make way for electric power lines and cutting logs for firewood.

According to section 220.81(a) of the regulations, only the cultivation or harvesting of trees is considered agricultural work. Processing trees occurs after the cultivation and harvesting. Therefore, transporting trees is not an agricultural work for purposes of the KY MEP because it occurs after the cultivation and harvesting of trees. Once trees are ready to be transported from a harvesting site to a processor (sawmill), there is no longer a direct involvement in cultivation or harvesting of trees. Moreover, no activity directly related to the processing of trees, even at a sawmill, is considered an agricultural activity, within the meaning as defined by Title I Migrant regulations.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2010, c. II, question G9-15.

**c. Decorative Greens**

USED considers a crop to be a plant that is harvested for use by people or livestock. According to the Non-Regulatory Guidance from OME, USED interprets the term “plants” to include “decorative greens or ferns grown for the purpose of floral arrangements, wreaths, etc.” Therefore, the collection of these plants can be considered agricultural work. For the purposes of the MEP, the collection of these greens for recreation or personal use would not be considered agricultural work.

The table below provides examples of plants that are considered agricultural work and those that are not. If a specific example is not listed, the recruiter should contact the ID&R Office for further clarification.

Plants considered agricultural work	Plants NOT considered agricultural work
Ferns (leatherleaf, sword, foxtail; etc. Palmetto Fan Spanish Moss Green Ivy Wreaths	personal gardens (flowers/vegetables) plants grown for medication purposes plants grown that are regarded as illegal drugs according to Kentucky state law

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2010, c. II, question G5.

**2. Fishing Work**

Fishing work is defined as “the catching or initial processing of fish or shellfish, as well as the raising or harvesting of fish or shellfish at fish farms, performed for wages or personal subsistence” [34 CFR §200.81(b)].

While the federal definition provides special definitions regarding migrant fishers who move within large-size districts, none of them are applicable to Kentucky. Migratory workers involved in fishing activities in Kentucky *must move across school district lines* to seek or obtain fishing work.

A fish farm is a tract of water reserved for the artificial cultivation of fish and shellfish, such as catfish, eels, oysters, prawns or clams. The fish are artificially cultivated rather than caught in open running water as they are in a fishing activity. Fish farms are considered fishing work. They include, but are not limited to, raising, feeding, grading, collecting and sorting of fish, removing dead or dying fish, and constructing nets, long-lines and cages.

Such work on fish farms is considered a qualifying work as long as all the other criteria for eligibility are met.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2010, c. II, question G16-19.

### 3. Production / Processing

#### a. Production



***For the purposes of the KY MEP, nursery work requires a clarifying comment to confirm and explain that it is not landscaping work.***

Production refers to work on farms, ranches, dairies, orchards, nurseries and greenhouses engaged in the production of crops, plants or vines and the keeping, grazing or feeding of livestock or livestock products for sale. The term also includes the production of bulbs, flower seeds, vegetable seeds and specialty operations such as sod farms, mushroom cellars and cranberry bogs.

The production of crops, as defined to be a plant that is harvested for use by people or livestock, involves work such as preparing land or greenhouse beds, planting, seeding, watering, fertilizing, staking, pruning, thinning, weeding, transplanting, applying pesticides, harvesting, picking and gathering.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2010, c. II, question G2-3.

Nursery work can raise some possible red flags, so recruiters are encouraged to use caution and discretion when interviewing nursery workers. For example, many jobs done in a nursery could be viewed as landscaping jobs by another party (planting trees, pruning flowers, planting flowers). It is recommended by the KY MEP to give a comment to clarify what and where this work is being done to ensure that it is not landscaping work.



***The cultivations of flowers also may be considered a qualifying activity. Some flowers, such as sunflowers, can be used for consumption and therefore qualify. Be sure to verify the type of flower.***

#### b. Initial Processing

Initial Processing refers to working with a raw agricultural or fishing product and transforming it into a more refined product. USED considers a product no longer to be in the state of “initial processing” once the transformation of the raw product into something more refined begins. Therefore, work up to (but not including) the start of the transformation process is considered to be agricultural or fishing work for the purposes of eligibility in Kentucky. It is recommended that recruiters consult with their supervisors or the regional office to determine if an activity can be identified as “initial processing.” If additional assistance is needed, contact the Kentucky Department of Education.

For the purposes of determining eligibility in Kentucky, the following are examples of qualifying processing work:

Poultry and Livestock	Crop Industry	Fishing Industry
<ul style="list-style-type: none"> <li>• stunning</li> <li>• slaughtering</li> <li>• skinning</li> <li>• eviscerating</li> <li>• splitting carcasses</li> <li>• hanging</li> <li>• cutting</li> <li>• trimming</li> <li>• deboning</li> <li>• catching</li> <li>• cleaning</li> <li>• enclosing raw product in a container</li> </ul>	<ul style="list-style-type: none"> <li>• cleaning</li> <li>• weighing</li> <li>• cutting</li> <li>• grading</li> <li>• peeling</li> <li>• sorting</li> <li>• freezing</li> <li>• enclosing raw product in a container</li> </ul>	<ul style="list-style-type: none"> <li>• scaling</li> <li>• cutting</li> <li>• dressing</li> <li>• enclosing raw product in a container</li> </ul>

### Hauling a product on a farm, ranch or other facility

USED considers hauling a product on a farm, ranch or another facility an integral part of production or initial processing and therefore is agricultural work. However, it does not consider transporting a product to a market, wholesaler or processing plant to be production or initial processing. “Shipping and trucking” is work that is often carried out by a third-party retailer, wholesaler or contractor paid to transport various products. Therefore, the service these companies or contractors provide is “shipping” or “trucking” are not production or initial processing. When a recruiter qualifies a family for hauling a product on a farm, he/she must provide a comment explaining where the worker is hauling the product to avoid any questionable qualifying activity.

Performing both qualifying and non-qualifying work

A worker is only required to meet the definition of a migratory agricultural worker or migratory fisher as defined in § 200.81(d) and (f) of the regulations. The fact that the worker performs non-qualifying work in addition to qualifying work has no bearing on his or her eligibility for the MEP. Some recruiters mention the non-qualifying activity on the BIP.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2010, c. II, question G26-27.

When recruiting for the KY MEP, it is important that the qualifying work truly meets the definitions of production and processing. Recruiters must fully investigate the worker’s responsibilities with respect to these activities because not all tasks meet the definition.

#### 4. Seasonal Employment

Seasonal employment/work, whether agricultural or fishing, can easily be determined since it is an activity dependent upon natural cycles and can only occur during certain times of the year. The definition of seasonal employment states that it is employment that occurs only during a certain period of the year and may not be continuous or carried on throughout the year. Therefore, seasonal employment may not last longer than 12 months. [34 CFR §200.81(j)]

A worker's employment is seasonal if:

1. it occurs during a certain period of time
2. it is not continuous or carried on throughout the year
3. it is associated with the cultivation or harvesting cycles of agricultural or fishing work

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2010, c. II, question H2-4.

#### *Examples of Agricultural Activities in Kentucky (Seasonal)*

Production of Crops	Initial Processing of Crops
<ul style="list-style-type: none"> <li>• planting</li> <li>• chopping</li> <li>• thinning</li> <li>• weeding</li> <li>• stripping</li> <li>• fertilizing</li> <li>• topping</li> <li>• picking</li> <li>• irrigating</li> </ul>	<ul style="list-style-type: none"> <li>• chilling</li> <li>• packaging</li> <li>• jarring</li> <li>• canning</li> <li>• hydrating</li> <li>• freezing</li> <li>• drying</li> <li>• raking</li> <li>• packing</li> </ul>

#### 5. Temporary Employment

Temporary employment is work related to agricultural or fishing activities that lasts for a limited period of time, usually a few months, but no longer than 12 months [34 CFR §200.81(k)]. Unlike seasonal work, temporary employment does not always have a beginning and/or end date at particular times of the year. Activities not dependent upon a natural cycle of events may occur at any time and be for any length of time, e.g., mending fences, digging irrigation ditches or plucking chickens. These jobs, therefore, may be either permanent or temporary.

Qualifying work can be determined as temporary if [34 CFR §200.81(k)]:

- the employer states that the worker was hired for a limited time frame; not to exceed 12 months
- the worker states that he or she does not intend to remain in that employment indefinitely (i.e., the worker's employment will last five months until stripping season begins)
- the SEA has determined on some other reasonable basis that the employment will not last longer than 12 months

Currently, Kentucky does not use an attrition study or state documentation to determine if a place of employment is deemed to employ temporary workers.



### **a. Work that is constant and available year-round**

USED recognizes that some agricultural and fishing jobs may appear to be constant and available year-round. For example, in Kentucky these types of jobs may be found in chicken farms, dairy farms, processing plants and greenhouses. However, perhaps because of the nature of the work, workers typically do not stay long at these jobs. In cases of employment that appears to be constant and available year-round, recruiters can base their determination on:

1. the worker's statement that even though the work appears to be constant and available year-round, the worker intends to remain no longer than 12 months, mentioning an exact number of months.
2. the employer states that he/she plans to employ for less than 12 months, noting the exact number of months.

To make an eligibility determination, the recruiter should first decide, based on an interview, whether the work is likely to be available on a year-round basis. Additional information should be considered in any case involving a determination that a particular type of potentially year-round work is temporary and should be carefully documented so that the reasons for the determination can be readily understood. The recruiter should document the worker's statement indicating the worker intends to remain no longer than 12 months. The recruiter needs to write in the comments section a specific numbered time frame, e.g., "The worker states he will milk cows for six months" rather than "The work is expected to last less than a year." Also, be careful with comments that may demonstrate work that lasts longer than a year, "Work is expected to last six months, but may last longer."

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2010, c. II, question I2-3.

### **b. Jobs occurring only certain times of the year because of holidays**

Jobs that occur only at certain times of the year because of holidays (Thanksgiving, Christmas and others) should be considered temporary employment because the time of the year that the work is performed is not dependent on the cycles of nature, but rather the holiday or event. In such cases, the recruiter should document the worker's or employer's statement indicating the work will not last longer than 12 months. The recruiter needs to write in the comments section a specific numbered time frame, e.g., "The worker states he will harvest Christmas trees for two months." rather than "The work is expected to last less than a year."



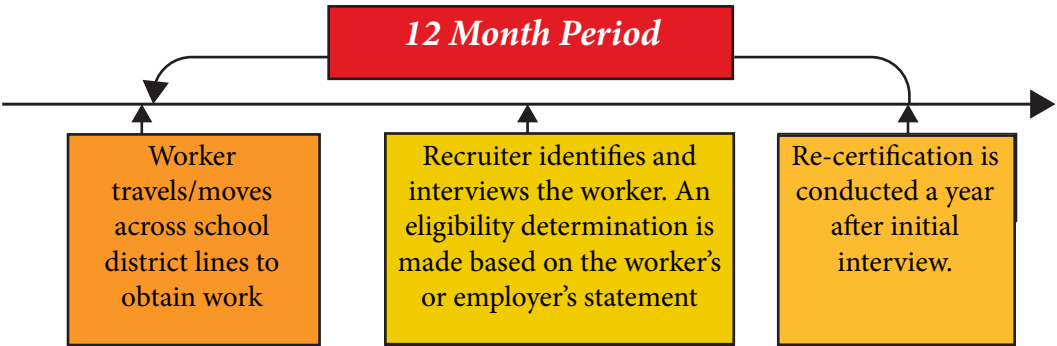
**Permanent work NEVER qualifies for the MEP. When recruiting at a processing plant or dairy farm, recruiters must be careful to establish the temporary nature of the work.**

### **c. Still employed after 12 months**

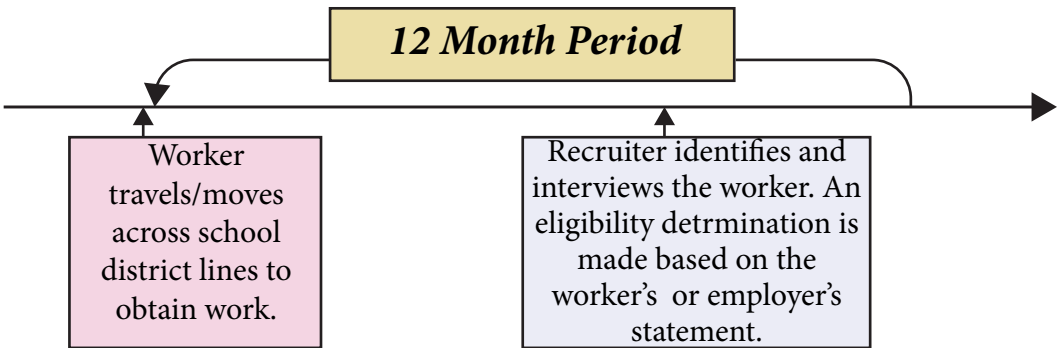
Q: What do you do if the worker is still employed at the same worksite for more than 12 months?

A: Workers who are employed for more than 12 months by the same employer regardless of how many different jobs they perform are interpreted by Kentucky ID&R guidance as NOT employed on a temporary or seasonal basis as defined in 200.81 (j) and (k) of the regulations. However, The KY MEP believes this depends on the timing when the family/ OSY has been first identified.

1. If the recruiter first identifies a family/OSY within 12 months from the supposed QAD, the recruiter may determine the work temporary based on the worker's statement or the employer's statement. Once a worker qualifies based on temporary employment and is still employed at the same worksite after 12 months, the KY MEP may continue serving these children and keep them on its student MEP counts for the duration of their 36-month eligibility period. However, the local MEP should examine and document the reasons why the worker has remained employed when continued residency signatures (re-certifications) are obtained, and contact the state ID&R Office with such information. The following diagram illustrates this scenario:



2. However, if the recruiter first identifies a family/OSY after the 12-month period, and the worker is still employed at the same worksite, the ID&R Office finds it difficult to determine that the intentions of the worker were to gain temporary employment since the worker has already been employed at the same worksite for more than 12 months. In such situations, the recruiter should inform the regional coordinator and the SEA for further guidance. The following diagram illustrates this scenario:



Therefore, it is important for recruiters to identify these workers and their families as soon as possible to make an appropriate eligibility determination.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2003, c. II, question H7 and H13.

### d. Comments on the COE

For all temporary work, the recruiter must document in the comment section of the COE the length of time the worker plans to do the qualifying work and/or remain in the area.

An example of a worker's statement might be: "The worker stated that he plans to leave

the job after seven months in order to return to his home with his family.” An example of a statement from an employer who is a dairy farmer might be: “The employer \_\_\_\_\_ (name) stated that he will hire the worker for four months to milk the cows while he recovers from back surgery.” Notice that both statements indicate a short period of time that will not exceed 12 months.

**Note:** Be sure to use a numbered time frame when writing the comment.



*Families or workers who are still present after 12 months are still eligible for the MEP for the 36 months, but this should be a rare occurrence.*

If a worker or employer statement is not available indicating that the work is temporary, the regional and state offices must be contacted. The regional and state offices will review the activity and assist the district in making a determination. The regional and state office can conduct an attrition rate study [34 CFR § 200.81 (k)] to serve as state documentation that the work is temporary. This is a survey of workers by worksite whom the state previously determined to be employed temporarily. The attrition rate study must confirm that virtually none of the agricultural or fishing workers whose children were determined to be eligible based on temporary employment were still employed by the same employer for more than 12 months.

The state currently does not have this documentation for any particular employer. If the recruiter feels there is an employer in the local area who employs many migrant workers on a temporary basis, the regional and state office must be contacted to determine the need for an attrition rate study.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2010, c. II, question H8-9.

## e. Eligibility Red Flags



*“Red Flags” are warning signs to alert the recruiter for the need to ask additional clarifying questions during an interview.*

During the course of a parent interview, there are a few “red flags” that should prompt the recruiter to ask additional **probing questions** related to the family’s eligibility. These red flags do not automatically mean that a family is not eligible; rather, they should trigger the need for additional clarifying questions to help the recruiter decide whether the family is eligible.

Each red flag example listed below may indicate possible misidentification of migrant children. Further information may be necessary to establish eligibility. It is the responsibility of the ID&R staff to identify and gather the additional information to provide evidence for any eligibility decision made.

Red flags to be aware of include:

- move from urban or non-traditional migrant area
- worker has a non-agricultural or non-fishing occupation for part of the year (especially if he or she goes back to this job regularly)
- lifestyle where migration does not seem to be an important factor in the family’s life (e.g., housing, no school interruptions)
- intent of moves (work sought but not obtained), especially off-season moves
- off-timing or off-season moves
- short-term or short-distance moves
- no qualifying activities taking place
- entry level occupation, especially for the non-qualifying activities
- work is temporary, but interview is more than a year after the QA
- a series of “to seek” moves without ever obtaining qualifying work
- qualifying a family on prior history longer than three years

If recruiters have a question regarding any “red flag” scenarios, they should contact their supervisors. If further clarification is needed, the supervisor should contact the Kentucky

Department of Education before making a final eligibility determination. Once guidance has been provided from the state, recruiters should then document the basis of their determination in COE Section IV (Comments).

## **vii. Qualifying Move**

To understand fully what constitutes a qualifying move, recruiters must first comprehend the various elements and definitions that constitute a qualifying move.

### **1. Definitions Related to Qualifying Moves**

#### **a. “Move”**

Under statute 200.81 (g) of the regulations, “move” or “moved” means “a change from one residence to another residence that occurs due to economic necessity.” In Kentucky, a “move” is also expressed as “travel.”

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2010, c. II, question D2.

#### **b. “Residence”**

For the purposes of the KY MEP, “residence” is a place where one lives and not just visits. In certain circumstances in Kentucky, boats, vehicles, tents, trailers and other shelters may serve as a residence. “Change from one residence to another residence” means leaving the place where one currently lives and going to a new place to live and not just to visit.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2010, c. II, question D3.

#### **c. “Visits”**

For the purposes of the KY MEP, a “visit” is traveling from one’s residence to another place for a short-term basis without the intentions of establishing residency. A person who leaves on a short-term basis the place where he or she lives for any of the following reasons is interpreted according to the KY MEP to not have gone to a place to live, but rather to visit:

- visit family or friends
- attend a wedding or other event
- take a vacation
- have an educational or recreational experience
- take care of a legal/health matter

There might be cultural difference in how people describe the reason for their relocation and the type of work, and therefore recruiters should probe the worker carefully to determine what is meant when the worker asserts that his or her family is going or returning from a vacation. For KY ID&R purposes, a move for vacation purposes is not a qualifying move, even if the worker engages in qualifying work during a move for vacation purposes.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2010, c. II, question D4 and D6.

#### d. “Qualifying Move”

A *qualifying move* refers to a move that:

- is across school district boundaries
- involves a change of residence
- involves a change in employers
- is due to economic necessity
- is to obtain qualifying work in agriculture or fishing, as one purpose
- occurred within the preceding 36 months

It is important to emphasize that all six elements must be present to constitute a qualifying move.

**Move across school district lines**  
**Change of residence**  
**Change in employers**  
**Move due to economic necessity**  
**To seek or obtain qualifying work**  
**Within the past 36 months**

---

**= *Qualifying Move***

#### e. “Purpose (Intent) of the Move”

Section 1309(2) of the statute requires migratory agricultural workers, fishers and their children to move “in order to obtain” temporary or seasonal employment in agricultural or fishing work, that is, qualifying work. The phrase “in order to obtain” in this provision brings in the worker’s purpose or intent.

To fully understand the purpose of a worker’s move, we must understand all the definitions related to the purpose or intent of a worker’s move. For the purpose of proper eligibility determinations:

1. *Intent* refers to the motivational purpose behind the move in question.
2. *Seek* refers to moving with the purpose of acquiring or gaining employment in a qualifying activity.
3. *Obtain* refers to being employed or securing employment in a qualifying activity.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2010, c. II, question D8.

#### i. Move “due to economic necessity”

USED interprets this to mean that worker move for any of the following reasons:

1. he or she could not afford to stay in the current location
2. went to a new location to earn a living
3. to seek or obtain work
4. the unavailability of work

In Kentucky, the Basic Interview Pattern (BIP) serves as documentation to clarify that the move was due to economic necessity in case an independent reviewer were to question.

The updated BIP provides a place for additional comments where economic necessity can be documented.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2010, c. II, question D5.



*As long as obtaining or seeking qualified work is one of the reasons for a move, the worker's children/OSY may be eligible for the KY MEP, if all other STAMP of Eligibility requirements are met.*

## ii. "In order to obtain"

Under § 200.81 (c) of the regulations, the phrase "in order to obtain," when used to describe why a worker moved, means that one of the purposes of the move is to seek or obtain qualifying work. This does not have to be the only purpose, or even the principal purpose of the move, but it must be **one** of the purposes of the move.

A worker who asserts more than one purpose for moving, for example, to be closer to other family members or to find a better school for the children, may be considered to have moved "in order to obtain" qualifying work if the recruiter determines that one of the purposes of the move also was to seek or obtain qualifying work.

There may be certain circumstances where workers may not always express a clear intent to move and obtain qualifying work. According to § 200.81 (c)(1) of the regulations, in those situations where a worker's intent is not clearly expressed, a recruiter may interpret that individuals who express a general intent to have moved for any of the following purposes may be deemed to have moved with a purpose of obtaining qualifying work:

- for "qualifying work," and obtained qualifying work soon after the move
- "to obtain work," and obtained qualifying work soon after the move
- "to obtain any type of employment," and obtained qualifying work soon after the move
- "take any job," and obtained qualifying work soon after the move

If the worker asserts that he or she moved with only non-qualifying work (e.g., construction work) in mind, given the definition of a migratory child in section 1309(2) of the ESEA, one may not presume that one of the purposes of the worker's move was to obtain qualifying work even if the worker obtained qualifying work soon after the move.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2010, c. II, questions D10-13

According to 34 CFR §200.81(c), a move qualifies if one of the purposes of the move is to seek or obtain qualifying work. For the purposes of determining eligibility in Kentucky, there are three types of moves that may be eligible for the KY MEP:

- move to obtain specific qualifying work
- move to obtain any work and obtained qualifying work soon after the move
- move to obtain specific qualifying work but didn't obtain the qualifying work

### *"Obtained Specific Qualifying Work"*

This type of scenario is the simplest and easiest in determining eligibility. The worker moved (changed residency) to obtain/ start working at a temporary/seasonal agricultural/ fishing job. This was one of the purposes for the worker's move. Whether he/she moved to a Kentucky school district or to another state, when the worker arrived at the new residence, the worker obtained qualifying work. In some instances in Kentucky a worker may be "promised" a job that doesn't start until a later date. This would still constitute as "Qualifying work and obtained qualifying work, (4a)." The recruiter would need to add a comment stating when the work will begin..





*When filling out the COE, Section III #4 deals with the three types of move. Check #4a if the worker obtained specific qualifying work. Check #4b for any work and #4ci/ii for qualifying work, but did not obtain. If #4c is checked, be sure to include a comment.*

#### *“Any work”*

Under these types of cases, the worker states that one of the purposes of the move was to seek **any type** of employment (e.g., the worker moved with no specific intent to find work in a particular job); then the worker is deemed to have moved with a purpose of obtaining qualifying work **if** the worker obtains qualifying work **soon after** the move.

A worker who asserts more than one purpose for moving, for example, to be closer to other family members or to find a better school for the children, may be considered to have moved “in order to obtain” qualifying work if the recruiter determines that one of the purposes of the move also was to seek or obtain qualifying work.

Workers may not always express a clear intent to move and obtain qualifying work. According to § 200.81 (c)(1) of the regulations, in those situations where a worker’s intent is not clearly expressed, a recruiter may infer that individuals who express a general intent to have moved, for example, “for work,” “to obtain work,” “to obtain any type of employment” or to “take any job,” may be deemed to have moved with a purpose of obtaining qualifying work if he or she obtained qualifying work soon after the move. In Kentucky “soon after” means 30 days.

A comment should be included on the COE or the BIP specifying the date when the job was obtained.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2010, c. II, question D9,D10, and D22

#### *“Didn’t obtain qualifying work”*

During these types of cases, the recruiter interviews a potential OSY/family and determines that the worker has not obtained qualifying work **soon after (30 days)** a move. As a result of not having obtained qualifying work soon after the move, the work may be determined not eligible. However, there are two special circumstances where the worker may be considered to have moved to obtain qualifying work. First, the worker indicates that at least one purpose of the move was to **seek specific qualifying work**, and

- (i) The worker or family has a prior history of moving to perform the specific qualifying work.
- (ii) There is other credible evidence that the worker actively sought qualifying work soon after the move, but, for reasons beyond the worker’s control, the work was not available.

In this particular situation, the recruiter should provide additional comments on the COE to explain his or her thought process. Recruiters should examine the facts and circumstances regarding the worker’s statements about the intent of the move and make a reasonable determination whether the statement is credible and supportable. In Kentucky, the BIP serves as evidence of a history of previous moves, if necessary. An acceptable comment in this situation could be “has history – see BIP.” As of fall 2013, when determining history, try to go back no more than three years to determine prior history. Credible evidence could be a statement of the employer, evidence of applications, newspaper clippings, video clips or recruiter firsthand knowledge of conditions in the area that would affect farming (e.g., drought, flood or pest outbreak). A worker’s statement claiming to have sought the job is not considered to be credible evidence it must be from a credible third party.



**Even though the worker is engaged in qualifying work, the recruiter should always ask the worker why he or she moved.**

## f. How to Determine “Purpose of the Move”

Consistent with the MEP regulations, the recruiter must determine whether one of the purposes of the worker’s move was to obtain qualifying work. The fact that a worker moved and is engaged in qualifying work does not automatically establish that the worker moved “in order to obtain” that work.

Q: What if a family has more than one reason for moving into a district?

A: If the worker asserts more than one reason for his/her move to a particular school district, the recruiter can determine the worker to be migratory if, in the interviewer’s judgment, obtaining qualifying work was one of the *purposes* for the move.

An effective strategy for making this determination is to ask the family or youth the following question:

*“If this work was not available, would you still have moved to this area?”*

If the family or youth indicates that they would have moved to the area regardless of the job’s availability, then this is not a qualifying move. However, if the family or youth indicates that they would have moved to another location where there was qualifying employment available, then this is considered a qualifying move.

Q: How can a recruiter determine if one of the purposes of the worker’s move was to obtain qualifying work if the recruiter finds the worker is engaged in qualifying work?

A: The fact that a worker moved and is engaged in qualifying work is not a presumption that the worker moved with the intent to seek or obtain that particular work. Recruiters should always ask workers engaged in qualifying employment whether they moved with the purpose to seek or obtain that work. In many cases, the response will clearly indicate that one purpose of the move was to obtain qualifying work or any employment. If it is not clear that one purpose of the move was to obtain qualifying work, the recruiter can ask further probing questions such as:

*“Would you have moved if you knew that no work was available?”*

If the answer is “no,” then the recruiter can presume that obtaining qualifying work was one purpose of the move.

If the worker indicates that he or she was looking for a specific type of work, which would be considered non-qualifying work (e.g., construction), for purposes of the MEP the recruiter may ask a follow-up question.

*“Would you have moved to the area to take any kind of work, in other words qualifying or non-qualifying work?”*

If the answer is “yes,” and the worker *did already* obtain qualifying work, then the recruiter can presume that obtaining qualifying work was one purpose of the move.

However, if the worker continues to express that his or her specific intent was to obtain only non-qualifying work, the recruiter cannot find this worker eligible for the MEP based on this move, regardless of whether or not the worker is engaged in qualifying work.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2010, c. II, question D12 and D13.



**Probing questions are questions designed to further investigate the root answer. Unlike open-ended questions, probing questions may look like “yes or no” questions.**

## Non-Qualifying Conditions Related to Determining the Purpose of the Move

- a single one-day move (i.e. day haulers)
- a move to seek or obtain specific non-qualifying work (e.g. construction, painting, landscaping)
- a move to seek political asylum
- a move from performing qualifying work outside the U. S.
- a move where a worker is returning to the U.S. after visiting a sick relative or traveling for personal reasons
- a move where a worker is returning to the same job after taking a vacation or leave.



**Since eligibility does not start until a qualifying move is complete, correctly identifying the Qualifying Arrival Date is crucial when completing a COE.**

### g. Qualifying Arrival Date

Dates are extremely important when determining eligibility. Therefore, it is necessary to identify the various dates that are related to determining appropriate eligibility.

Qualifying Arrival Date (QAD) refers to the:

- date when *both* the child/youth *and* the qualifying worker have completed the move and arrived in the school district (this is the date when they are both *together* in the school district where the worker will perform the qualifying activity)
- date that is entered in Section III, Number 3 of the COE
- date that begins the migrant child/youth's 36-month eligibility status
- date the qualifying worker/youth last migrated to obtain qualifying work

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2010, c. II, question E1

The following example provides a clear picture of a QAD:

On May 23, 2014, a family with two school-aged children moved into a Kentucky school district so the father could work setting tobacco. The family moved, traveled and arrived into the Kentucky school district *together*. If all STAMP of Eligibility factors are present, the family's QAD would be May 23, 2014.

### h. Residency Date

Residency date (RES) refers to the date when the child/youth moves into/arrives at the new school district and establishes residency.

While the QAD refers to the date when both child/youth *and* the worker completed the move into the new school district to seek or obtain qualifying work or "any work," the residency date refers *only* to the date when the child/youth moves into the new school district. The residency date is documented at top right corner of the COE.

In this example, the QAD is May 23, 2014, because this is when (date) the child and the worker moved *together* into the school district to seek or obtain qualifying work. Meanwhile, the residency date also is May 23, 2014, since this is when (date) the child/youth moved into the school district. The residency date and QAD would be the same because the parent, guardian or spouse *and* the child/youth arrived *together* at the school district on the same date.

However, there are special circumstances when the parent, guardian or spouse *does not* arrive on the same date as the child/youth. These circumstances will be covered in section 2.b. “To Join” Moves, beginning on page 41.

The importance of establishing and documenting when the residency date and QAD take place cannot be emphasized enough. The QAD entered in the COE must be correct because it affects the child/youth’s eligibility.

### **i. Enrollment Date**

Enrollment date refers to the date when the child/youth enrolls into the new school district.

An enrollment date is required for all students in the MEP. For all preschool, ungraded (UG) students and OSY, the enrollment dates are determined by the same calendar as a regular child enrolled in school. During the regular school year, use the QAD; during the summer, use the QAD unless they were found after the regular school year has already started, then use the first day of school (i.e., QAD is 7/11/14, and you found them 8/21/13). If you found them after they have been residing in the district for a while, use the first day of the current school year (i.e., QAD is 12/12/13, and you found them 8/21/14).

Looking at the previous example, the QAD and RES are May 23, 2014, because this is when (date) the child and the worker moved *together* into the school district to seek or obtain qualifying work and when the child/youth moved into the school district. The enrollment date would be May 23, 2014, assuming the recruiter identified and recruited the family in a timely manner. If the recruiter interviewed the family after the next school year began, the enrollment date would be the first day of school in that district.

If there are ever questions regarding enrollment dates, contact the regional office clerk. The enrollment date is documented in the top right corner of the COE.

### **j. Home Base**

Many migrant families have a home base or hometown where they live for much of the year. They travel or migrate from this home base to other places to work. For example, a migrant family might consider Kentucky to be their home base. They live in Kentucky all spring and summer and work in tobacco, and then they move to South Carolina to work during the peach harvest. They also might travel to other states or locations and then return to their home base in Kentucky in the spring.

**Q.** Does a move qualify if a worker moves back to his or her home base to seek qualifying employment and crosses school district boundaries en route?

**A.** Yes. The only requirement is that the move be across school district boundaries.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2010, c. II, question D24.

## k. Permanent Relocation

A permanent relocation is a move where the family/youth has no intention of any future moves. The July 29, 2008, regulations define “move” or “moved” as it pertains to the MEP as a change from one residence to another due to economic necessity. Under this definition, the fact that a worker moved to relocate permanently does not matter as long as:

- 1) another purpose of the worker’s move was to obtain either qualifying work or any employment
- 2) the worker obtained qualifying work soon after the move
- 3) all other conditions of a qualifying move were met

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2010, c. II, question J2.

## 2. Types of Moves

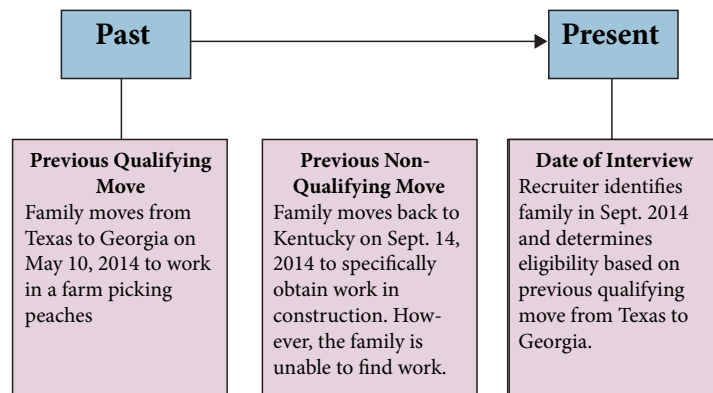
For the purpose of this section, the terms “move” and “traveled from/travel to” are used interchangeably. Both terms assume that there has been relocation across school district lines due to economic necessity, as described in previous sections. This section explains the different types of moves that a recruiter may face when determining eligibility in Kentucky.

Under Statute 2008.1 (g) of the regulations, “move” or “moved” means “a change from one residence to another that occurs due to economic necessity.” Therefore, only moves that were made due to economic necessity may be eligible for the KY MEP, if all STAMP of Eligibility requirements are present.

### a. Previous Qualifying Moves

Previous qualifying moves refer to any qualifying move that a child/youth has made within the last 36 months and occurs prior to the last move into the school district where the recruiter has identified him/her.

When a recruiter interviews a family and determines that the move to the present school district is not a qualifying move, the recruiter should ask further probing questions to inquire if the family/youth has made any previous qualifying moves within the last 36 months. This information also is noted on the BIP. The most recent qualifying move made prior to arriving to the current school district may be used to determine the child or youth’s eligibility for the KY MEP as long as all other eligibility criteria (STAMP) also were met during the previous qualifying move. The top of the BIP should reflect the most





current move information, even if the move does not qualify. The bottom of the BIP is the worker's history. This is where a previous qualifying move can be determined. The top right hand corner of the BIP denotes which move is the qualifying move.

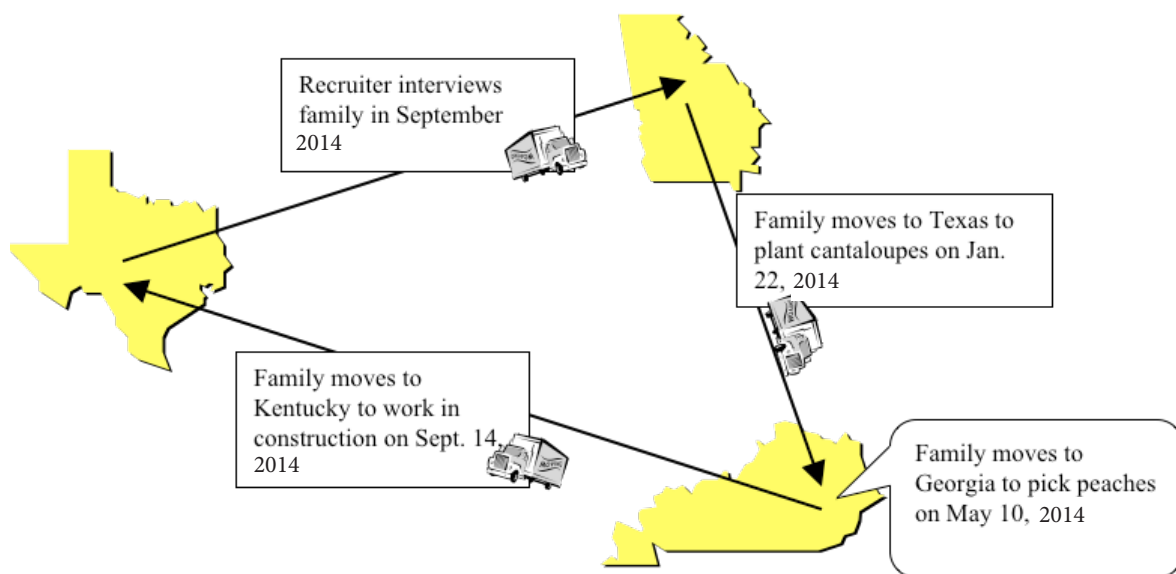
### i QAD, Residency and Enrollment Dates for previous Qualifying Moves

Determining that a family/youth is eligible for the MEP based on a previous move is not an easy task. It requires knowledge of eligibility factors and strong interview skills. However, the recruiter's responsibility is still not complete. The recruiter must accurately document in the COE the necessary information to reflect such a scenario.

Note: Recruiters should write a comment stating that this move "qualifies off a previous COE" or "continuing eligibility."

As mentioned in the previous sections, the QAD and residency dates are usually the same, and the enrollment date may be as well depending on the time of the interview. However, these dates are not the same when the eligibility determination is based on a previous qualifying move. In other words, the move to where the qualifying activity took place and the current school district are not the same date.

The following graphic illustrates a previous qualifying move.



**When determining eligibility based on a previous QAD, make sure the previous QAD is within the last 36 months.**

In this example, the recruiter identifies and interviews the family in September 2014. During the interview, the family discloses that they had recently moved to Kentucky in September 2014 to work in construction. The recruiter begins to probe further into the family's history and discovers that the family has made other moves in the past. Some of these moves were to find agricultural work. The family shares that in January 2014 they moved to Texas to work on a cantaloupe farm. In May 2014, they moved to Georgia to pick peaches. While in Georgia, the father heard of a construction crew in Kentucky that needed workers. Then, in September 2014, the family moved to Kentucky to work in the construction crew.

At the end of the interview, the recruiter determines the family met all STAMP of Eligibility factors based on the move from Texas to Georgia in May 2014. Therefore, the QAD would be May 10, 2014, the residency date would be Sept. 14, 2014, and the enrollment date would be Sept. 14, 2014. Section III of the COE would reflect the move that qualifies, but all other sections would reflect the current family or youth information.

The example serves as a guide when determining eligibility based on a previous qualifying move and how to document it on a COE. To make an eligibility determination on a



previous qualifying move, all STAMP of Eligibility factors must be met at the time of the qualifying move. According to this example, the recruiter determines the family meets all STAMP of Eligibility factors based on the move from Texas to Georgia in May 2014.

According to regulations, a “migratory child” is a “child that moved within the preceding 36 months in order to seek or obtain work, or to accompany or join the migratory worker or fisher.” Therefore, a recruiter may go as far back as 36 months to inquire if there are previous qualifying moves.



**Although it is not recommended that recruiters rely on eligibility determinations made by other states or LEAs, the recruiter may use COEs from other states to help establish migrant history or use MSIX.**

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, *Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children*, Washington, D.C., 2003, c. II, question A1.

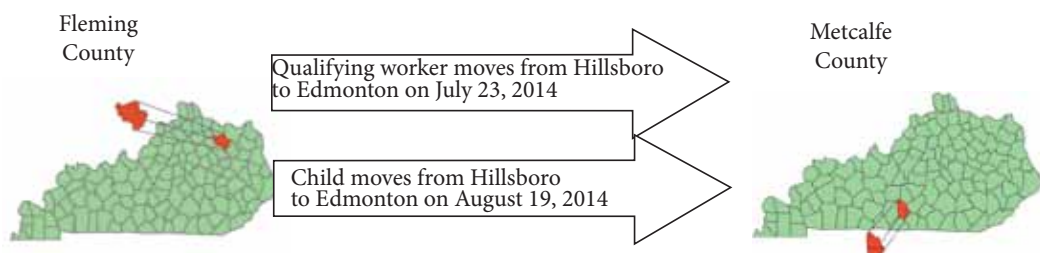
## b. “To Join” Moves

There are times when a child/youth *does not* travel *with* their parent/guardian/spouse. Different scenarios may encourage a parent to travel first, such as to canvass new environments, solicit and secure work and housing, and establish adequate childcare. Other scenarios may force parents to stay behind while their children move first to a new area or to move back to their home base. These scenarios may include parents finishing up harvest work, waiting to be paid for the season, lacking adequate child care or needing to enroll children in school. These types of moves are identified as “To Join” moves. Recruiters must make sure that both the worker and the child made the move and document QAD and residency date appropriately.

### i. QAD and Residency Dates for “To Join” Moves

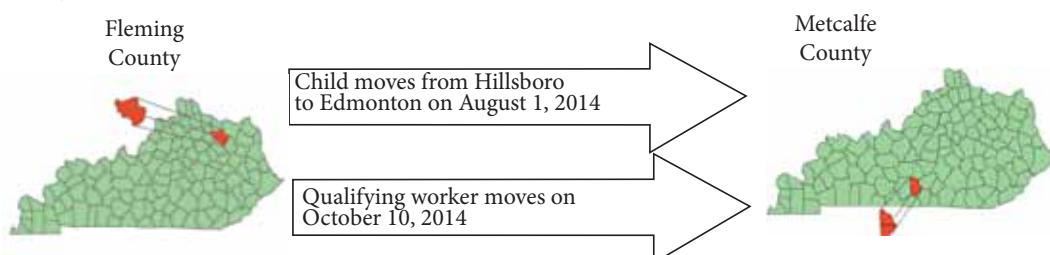
“To join” moves merit careful attention regarding the QAD and the residency date. The recruiter is responsible for accurately documenting the QAD and residency dates in the COE.

#### “To Join” Move – Worker Moves First



If the qualifying worker arrives before the child, the QAD and the residency date are the date when the child arrives into the school district. In this case, the QAD is Aug. 19, 2014. The reason for this is that eligibility is not established until the migrant child physically arrives in the new school district. Even though the qualifying worker has already moved into the school district prior to the child/youth, the QAD does not occur until the child/youth also arrives.

#### “To Join” Move – Child Moves First



If the child arrives **before** the qualifying worker, the QAD and the residency date are the same date that the worker arrives into the school district. This would be Oct. 10, 2014. The reason being is that the child's eligibility is not established until the worker arrives in the school district to seek or obtain qualifying work. Therefore, it is only at this point that the child meets the definition of "migratory child."

The child/youth does not need to move simultaneously with the worker in order to be eligible for the MEP. The child's move may precede or follow the worker's move. In situations where the child and worker do not move together, the "to join" date is the day that the child and the worker completed the move to be together.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children, Washington, D.C., 2010, c. II, question E1-3.

ii. Time limit on "To Join" moves

Although the child's move may precede or follow the worker's move, there is a time limit between "to join" moves. The more time that occurs between moves, the more difficult it is to establish a credible relationship between the child's move and the worker's move. Through the eligibility interview, recruiters should be able to determine the time between the child's move and the worker's move. Any time there is a "to join" move, recruiters must document it in the COE comments section the specific reasons (given by the interviewee) for the difference in dates of the move. In addition, Kentucky has established a 12-month time limit regarding "to join" moves. As a rule of thumb, any "to join" move that takes more than 12 months to complete is not considered eligible for the KY MEP.



***When documenting "to join" moves, the QAD is the date when both the child and/or youth and the qualifying worker complete the move into the school district.***

Nonetheless, there may be unusual circumstances that may prevent a child from moving within 12 months of the worker's move. In this case, the recruiter should document it in the comment section of the COE the basis for determining eligibility even after a prolonged period of time (more than 12 months) between the child's move and the worker's move, after consultation with the regional coordinator and state ID&R coordinator.

The following examples should assist recruiters to make proper eligibility determinations when conducting interviews:

**Examples of "to join" moves**

**Comments needed**

The "to join" move occurs within 12 months.

Recruiters must comment the reasons for the "to join" move. Examples may include worker moved first to secure housing, worker moved first to secure job, child stayed to finish school year, child came early to enroll in school, child joined from foster care.

The "to join" move occurs more than 12 months from the first move.

Recruiters must document the unusual circumstances of why it took more than 12 months for the worker and the child to be united and the basis for determining eligibility even after such a prolonged period of time the state ID&R Coordinator will determine if the student is eligible. NOTE: Try to make sure the family's intent was for the children to move with them.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of

### **c. Early Moves**

In Kentucky, an “early move” is defined as a move that occurs before the work is expected to begin. There may be scenarios that a worker and his or her child move weeks before qualifying work is available (e.g., four weeks or more prior to the tobacco harvest) to secure housing and at the time of the interview, the worker has not yet obtained qualifying work.

The recruiter may find this move to have been made “in order to obtain” the work so long as the recruiter determines that one of the purposes of the move was to seek or obtain qualifying work, and not just any employment – which presumably would be the case in this situation. In this situation, the recruiter should:

1. check box 4a of the COE Qualifying Move & Work section, which states that the worker moved to obtain qualifying work and obtained qualifying work
2. the recruiter should document in the COE Comments section:
  - a. that the worker moved in advance to secure housing
  - b. that one purpose of the move was to secure the qualifying employment
  - c. the date that the worker is or was expected to start work

The recruiter must then follow up with the worker to verify that the worker obtained qualifying work “soon after the move.”

- If the recruiter discovers that the worker did not obtain qualifying work “soon after the move,” the recruiter must then determine that the worker has either a prior history of moves to obtain qualifying work or some other credible evidence that the worker actively sought qualifying work. The COE must be updated accordingly.
- If the recruiter cannot document a prior history or other credible evidence, this worker’s children are not eligible for the MEP and must be removed from the database for the eligible migrant children.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children, Washington, D.C., 2010, c. II, question D21.

### **d. International Moves**

There have been historical patterns of migration from Mexico and Canada to the U.S. to perform temporary or seasonal work in agriculture and fishing. A move from Mexico or Canada to any school district in the U.S. is considered the same as a move from one school district to another within the U.S. These moves are also considered the same as a move from one school district to another within Kentucky. See the diagram below to see the comparison, as moves where a worker and his/her family/OSY travel from countries other than Mexico or Canada are considered international moves to Kentucky. Therefore, such moves do not require additional comments in the COE.

Moves from a school district in the U.S. to a school district in Mexico or Canada to seek or obtain qualifying work do not qualify. The MEP is meant to benefit families who perform qualifying work within the U.S. The MEP statute does not authorize moves to another country to engage in temporary or seasonal employment in agriculture or fishing work to be considered qualifying moves.

However, many times workers are unable to afford the cost of living in the U.S. while not working. Therefore, it is common practice for OSYs/workers and their families to move back to their native countries (including Mexico or Canada) at the end of the temporary

or seasonal employment. These moves back to their native countries may be considered a “change of residence” if the move was due to economic necessity. Situations of economic necessity are described on page 46 of this manual.

Subsequently, the worker’s international move to a school district in the U.S. could be a qualifying move if all STAMP of Eligibility requirements are met.



Moves from countries other than Mexico or Canada can be viewed as permanent relocations to the United States for political or other personal reasons. According to guidance from OME, these moves may still qualify if one of the purposes of the move was to seek or obtain qualifying work. These workers are not disqualified if they have other reasons for moving to the U.S., even permanent relocation, so long as one of the purposes of the move was to obtain qualifying work and all STAMP of Eligibility requirements are met. Therefore, when recruiters interview families/youth who have made an international move into Kentucky, they should be very careful in making proper eligibility determinations. Recruiters must ensure that one of the reasons for the move was to obtain qualifying work.

If a family/OSY makes a non-qualifying move to the U.S. from another country, they may be considered eligible based on a subsequent qualifying move. Therefore, it is possible that the move would qualify and the family would be eligible if the family entered the migrant labor pool after a non-qualifying move to the U.S. and then the family/OSY subsequently moved with the intent to obtain temporary or seasonal work in an agricultural or fishing activity (assuming the family met all other eligibility criteria).

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children, Washington, D.C., 2010, c. II, question D31-33.



*In Kentucky, a move from a country other than Mexico or Canada qualifies if one of the purposes of the move was to enable the youth, parent, guardian or spouse to seek or obtain temporary or seasonal employment in an agricultural or fishing activity and all the STAMP of Eligibility Factors are met.*

#### e. First-Time Moves



*Recruiters should be careful in making these determinations and should document the basis for their decision in section IV of the COE.*

First-time moves are described as moves by a family or youth to seek or obtain qualifying work for the first time. These moves may originate from other countries or from within the United States. It is more difficult to determine proper eligibility for these types of moves since there is no migrant history to document. Therefore, it is crucial that the recruiter identifies the purpose for the move during the interview.

Families and/or youth who move for the first time must meet one of the following conditions to be deemed eligible for the migrant education program:

- Worker moved due to economic necessity and one of the reasons for the move was to obtain qualifying work and obtained such work.

OR

- Worker moved due to economic necessity and one of the reasons was to obtain a specific qualifying work, but did not obtain such work for reasons beyond the worker's control. The recruiter must document the worker's personal statement explaining how he/she was seeking specific qualifying work and document credible evidence as to why he/she could not obtain the specific qualifying work. ***The credible evidence cannot be the worker's statement. The recruiter should talk directly to the farmers and get their statement of a "third party" person.***

Special caution is needed when interviewing family/youth who move for the first time to seek but did not obtain qualifying work. Families and/or youth who moved for the first time to obtain any work and soon after the move did not obtain qualifying work are not eligible for the Kentucky MEP.

#### f. Moves Based on Economic Necessity

According to guidance from OME, "move" or "moved" means "a change from one residence to another residence that occurs due to economic necessity." Moves where a worker is returning to Kentucky from vacation, family events, visiting a sick relative or traveling



for personal reasons are not qualifying moves for the purposes of the KY MEP.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, Guidance for the Title I, Part C Education of Migratory Children, Washington, D.C., 2010, c. II, question D2.

At times, workers move out of the area because they lack the economic means to sustain themselves until they again can secure qualifying work. Due to the lack of work during the off-season, the worker may not be able to afford housing or provide for the basic needs of his/her family and may decide to move back to the home base, where perhaps he/she owns a home, rent is cheaper or to live with relatives or friends. Once the season starts, workers may return to the district to seek or obtain qualifying work. The U.S. Department of Education (USED) “believes that if the worker’s move is related to work, e.g., a move to seek or obtain work, a move because of the loss of work or a move because of the unavailability of work, the worker moved “due to economic necessity.”

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, Guidance for the Title I, Part C Education of Migratory Children, Washington, D.C., 2010, c. II, question D5.

For example: a migrantworker loses his/her job at the end of the harvesting season. Since the family is unable to find other work and pay rent during the off-season, the family moves to Mexico to live with relatives. When the planting season is about to begin, the family and the worker returns to the same district to obtain work planting tobacco. During the eligibility interview, the recruiter should establish that the worker moved out of the district because of “economic necessity” and one of the purposes of the move back was to obtain qualifying work. Therefore, the recruiter may determine the family is eligible for the KY MEP, assuming all other STAMP of Eligibility factors are met. The recruiter documents “economic necessity” in the additional comments section on the BIP by detailing the reason(s) the family indicated for moving when probed concerning the changes in residence. “Economic necessity” by itself, however, does not constitute a qualifying move or a qualifying activity.

### **g. Personal Reason Moves: Visits and vacations**

According to 34 CFR §200.81(c), “one of the purposes of the move is to seek or obtain qualifying work.” At least one of the purposes of the move must be to obtain (or seek) temporary or seasonal employment in qualifying agricultural or fishing work.

According to guidance from OME “the Department interprets ‘change from one residence to another residence’ to mean leaving the place where one currently lives and going to a new place to live, and not just to visit.” Also, the department interprets the “change-of-residence” requirement to mean that a person who leaves on a short-term basis for the following reasons has not “changed residency”:

1. visit family or friends
2. attend a wedding or other event
3. take a vacation
4. have an educational or recreational experience
5. take care of a legal matter

Returning from such a visit (as listed above) the person would not have “changed residence.” Therefore, this person would not be eligible for the KY MEP.

Even if the worker engages in qualifying work during a move for vacation purposes, this



move is not a qualifying move. In these cases, the family is not moving because they cannot afford to stay and live in the current location or because they need to go to a new location to make a living. There might be cultural differences in how people describe the reason for their relocation. Sometimes families call the move back to their native countries/home base a “vacation” simply because their children are on school vacations (winter/summer breaks). In these cases, the recruiter should probe carefully to determine what is meant when the worker asserts that his or her family is going on or returning from a vacation.

In cases where the family traveled during a school break and the worker is not working due to the end of the temporary or seasonal agricultural or fishing employment and the family moved due to economic necessity, the family may be found eligible when returning from such a move if all the STAMP of Eligibility requirements are met.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, Guidance for the Title I, Part C Education of Migratory Children, Washington, D.C., 2010, c. II, question D6.

### **h. Short-Duration Moves**



***Short-duration moves consisting of 10 days or less are red flags. Further probing questions are necessary.***

According to guidance from OME, “...with respect to a move that is of short duration (e.g., less than a week), the Department strongly recommends that each SEA establish a statewide written policy for determining and documenting whether and why these moves do and do not qualify for the MEP”

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, Guidance for the Title I, Part C Education of Migratory Children, Washington, D.C., 2010, c. II, question D5.

The regulations established on Aug. 28, 2008, do not indicate a minimum duration for a qualifying move; however, the move must be due to economic necessity. In addition, prior guidance indicated that a move must be of sufficient duration to establish residency. In Kentucky, any one-time short-duration move of less than 10 days requires supporting documentation on the COE to explain the recruiter’s determination of eligibility.

The following information obtained through the interview must be included in the comment section of the COE for a move less than 10 days:

- total duration of stay
- where family resided
- type of qualifying work
- whether qualifying work was obtained or sought
- reasons why qualifying work was not obtained (if applicable)

### **i. Short-Distance Moves**

With regard to distance, the only requirement is that the move be due to economic necessity and that one of the purposes of the move was to seek or obtain qualifying work, or any kind of work, so long as the worker obtained qualifying work soon after the move.

Any move that occurs within the school district boundaries is not a qualifying move. All qualifying moves must occur across school district lines for the purposes of eligibility. Moves for relocation within a school district are not qualifying moves. A move across school district lines ONLY to establish a new residence does not qualify the worker for the

KY MEP (i.e., moving across school district lines to live closer to the work site would not be eligible for the KY MEP). However, if the move is of a very short distance, the recruiter should explain in the comment section of the COE the basis for determining that the move qualifies OR moving across school district lines to live closer to the work site does not qualify the worker and would not be eligible for the KY MEP.

NOTE: For any “move” of brief duration or of a short distance (or both) that one could question whether any migration has occurred (e.g., from an independent school district to a county school district or vice versa), the recruiter must explain in “Section IV Comments” of the COE the basis for determining that the move qualifies (e.g., state “The move is of short distance but across district lines; address and employer change verified.”) If there are any questions, please contact KDE.

RATIONAL: Kentucky has a square mileage of 40,410 with an average of 336.75 square miles per county with totals of 120 county school districts and 53 independent school districts (within some of the county districts), and these districts are served by four MEP regions in Kentucky. This is why we have created the “Note.”

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, Guidance for the Title I, Part C Education of Migratory Children, Washington, D.C., 2010, c. II, question D23-24.

## **j. Daily Commuting**

Commuting, regardless of whether it is across school district lines, is NOT a migration. The worker is not changing residency to perform qualifying work. Such a worker is a “day-haul” worker, and travel is a commute, not a migration. This type of travel is not considered a qualifying move, and children who perform this type of work or accompany a parent, spouse or guardian under these circumstances do not qualify for the MEP based on these trips.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children, Washington, D.C., 2010, c. II, question D25.

## **k. Annual Migration to the Same Farm**

An annual migration to perform temporary or seasonal work for the same farmer is not considered permanent employment. This is true even if the farmer guarantees the worker’s employment each year and reserves the same temporary residence for the worker. Therefore, the worker is eligible.

## **b. Completing the Certificate of Eligibility (COE)**

The COE is the legal source document used in Kentucky to enroll eligible migrant children into the MEP. When completing the COE, the following guidelines must be followed:

- The form **must** be completed by an interviewer trained by KDE. The interviewer must be knowledgeable about eligibility criteria to make correct eligibility determinations and to convey information about available services for eligible students. Educational and support services **cannot** be provided until the child has been determined eligible and the COE form is completed in writing and sent back to the recruiter with the regional coordinator’s signature. If there are issues or questions concerning the COE, the state ID&R coordinator or regional coordinator will contact the recruiter.
- Each section must be completed. Do not leave any section blank. Use “N/A” or

dashes to acknowledge that an inquiry has been made. Use “Same” to indicate that the information is equivalent to that of the previous item.

- The COE must be completed in blue ink. Use of correction fluid (e.g., White-Out or Liquid Paper, or erasable ink pens) is not acceptable. Any changes must be initialed and dated by the same person making the change. Instructions for the completion of the COE form are located on the back of each form and on the Migrant Documents page on KDE’s website. If additional space is needed to clarify the information on this form, please use the BIP or attach additional forms.
- The completed form should include the names of all eligible children who moved/traveled with the family. This includes preschool children, children attending school and children not attending school.

Instructions for completing the COE are found in Appendix D.

### **i. Additional Comments on the COE**

A recruiter should provide additional comments on the COE when circumstances require the recruiter to explain why he or she found a particular child to be eligible for the MEP or the COE warrants a comment. The additional comments must be sufficient to explain the circumstances that led the recruiter to believe that the child was eligible in those cases where standard information might not clearly establish the child’s eligibility.

The following are some circumstances that may require further explanation on the COE:

- The work takes place in a nursery, and the comment clarifies what exactly is being done and where.
- The work was found “soon after” the move; the comment, the date the worker began employment, or the date the worker was promised employment.
- The household is supported, at least in part, by non-agricultural/non-fishing work.
- A “move” is of such brief duration (10 days or less) and/or of such a short distance that one could question whether any migration has occurred (e.g., intra-city or intra-town move that is across school district boundaries).
- The worker asserts more than one reason for the move, and one of the reasons was to obtain qualifying work.
- The worker sought, but did not obtain, qualifying employment as a result of the move. There should be a comment for prior history or credible evidence.
- There is a “to join” move.
- There should be a comment for prior history or credible evidence.
- The work is unusual enough that an independent reviewer is unlikely to understand that it is a qualifying activity. (e.g. hauling tobacco)
- The work could be part of a “series of activities” that, viewed together, would constitute year-round employment (e.g., mending fences and haying could be two parts of year-round ranching with one employer).
- The work may be viewed by an independent reviewer as either temporary or year-round employment (e.g., collecting eggs or milking cows).
- The worker performs several different jobs. Mention the job he/she was hired for on the BIP in the comments section mention the other jobs.
- The current move does not qualify but a previous move does qualify.
- The recruiter found the family after a year, so a comment should denote why it took so long to find the family, as of July 2014, this type of comment only needs to be mentioned in the BIP.
- If the qualifying worker or the person signing the COE are not mentioned elsewhere on the COE.
- If there is an early move a statement should be included noting why the worker moved early.
- In the event that a recruiter signs the COE after the family, a comment in the com-

ments section should be provided noting the reason for the delay.

## **ii. Signatures on the COE**

While federal regulations allow special cases where the parent/guardian/youth does not sign the COE, the MEP requires a signature upon completion of the COE. Obtaining the parent/guardian/youth signature is a good practice for the following reasons:

- A signature allows the parent or guardian to attest that the information he or she provided is accurate (which promotes quality control).
- A parent's signature identifies who provided the information so that the recruiter can verify it at a later date, if necessary.
- The parent/guardian agrees to allow the child to participate in the KY MEP for the duration of the eligibility period, unless permission is withdrawn.
- A parent signature may be used to confirm that the recruiter informed the parent or guardian about the MEP and about his or her rights regarding the transfer of school records under the Family Educational Rights and Privacy Act (FERPA).

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children, Washington, D.C., 2010, c. II, question K9.

The person who signs the COE must be the source of the information contained in the document and should verify any information provided by another source. If the parent is unable to sign his or her name, the parent must mark an "X" in the signature section and the recruiter must print the parent's name and relationship to the child in the comments section. If a parent refuses to sign his or her name, the recruiter must document the reason for the parent's refusal in the comments section and print the parent's name and relationship to the child. Then send this COE to the regional office. If the COE is continuing eligibility it will be counted for funding purposes, otherwise they will be reviewed on a case by case basis.

More information on FERPA is found in Appendix E.

After the family member signs the COE, the recruiter should also sign the COE at that time as well. The recruiter's signature at the end of the COE certifies that:

- the recruiter received all the information on the COE directly from the family/youth
- the recruiter collected all the documentation needed to make a proper eligibility determination
- the information upon which the recruiter based the eligibility determination is correct to the best of his or her knowledge
- the children are eligible for the MEP
- the recruiter informed the parent or guardian about FERPA

The recruiter must sign the COE to attest to the above. In cases where the recruiter cannot make an eligibility determination, the COE should not be signed until a thorough verification of the information provided by the family and/or youth has been completed. The recruiter's signature on the COE is a necessary element of a reasonable system of quality control. As of fall 2013, the BIP also requires family and recruiter signatures for the same verification purposes. The family now verifies their prior history.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children, Washington, D.C., 2010, c. II, question K10.



***If you choose to give a copy of the COE to the family/youth, do not provide the original that contains the instructions on how to complete the COE. It is not necessary to provide the family with the BIP.***

### iii. COE copies

Once the family signs the COE and it is ready to be sent to the regional office, the recruiter should make at least one copy for his/her files and send the original to the regional office for review and entry into MIS2000. After the interview and the information has been corroborated, the family/youth also may receive a copy of the COE.

Q: Why should a recruiter keep a copy of the COE?

A: The recruiter has to keep documentation of all families/youths identified and recruited for the KY MEP. The COEs also may be pulled during local monitoring visits and re-interviews for review as part of quality control. It is also important in the event that the regional center does not receive the COE due to being lost in the mail.

COEs/BIPs of families and/or youth that have been found not eligible after the verification process should be kept in a separate file for future reference and not used for any child count purposes.

### iv. Collecting Information and Documentation to Corroborate Eligibility

Collecting all the necessary information is critical for corroborating a family/youth's eligibility. All information should be collected and documented on the COE and/or BIP. Such information may include but is not limited to:

- information from the public domain (e.g., newspaper) that confirms a flood or crop failure in the area
- written information from the employer, such as a copy of an employment application or a list of recent applicants
- information obtained from a conversation with an employer, crew chief, employment agency or credible third party that indicates that the worker sought the qualifying work
- names of past employers or companies, including pay stubs
- names of other families that can corroborate information
- names of agencies that have helped the prospective migrant family
- certificates containing the dates or places of birth, marriage, graduation or other information
- receipts that can corroborate the family lived at a certain location at a certain time:
- rent receipts, money order receipts, hospital bills, utility bills

Under circumstances where eligibility is based on a spouse's status as a migrant worker, recruiters need only be satisfied that a spousal relationship exists. Therefore, a marriage certificate or other legal document used to establish a spousal relationship is not necessary when establishing MEP eligibility on a worker's spouse, as long as all other criterion for eligibility (STAMP) are met.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children, Washington, D.C., 2010, c. II, question B5.

### c. Quality Control Assurances

The KY MEP and its staff are responsible for ensuring that only those children who are truly eligible for the MEP are recruited, counted and served. The key outcome of ID&R is

properly and timely eligibility determination, not just merely completing a COE. To this purpose, the KY MEP has a system of quality control assurances and strategies to ensure the accuracy of such determinations.

In Kentucky, the quality control system involves the state's Department of Education MEP Office, the regional office and participating LEAs. Each office fulfills a unique role and has specific responsibilities to make the system work.

To accomplish this task, the SEA and the regional office shall:

1. provide technical assistance and training to regional offices and LEAs on procedures and guidelines for ID&R
2. review every COE for the region (regional office) and review every COE for the state (SEA)
3. resolve questionable eligibility information on the COE forms, verified by the district MEP, using other credible sources (e.g., school records, information obtained from other districts or states, or visits to parents) to ascertain the authenticity of the information
4. develop a regional quality control plan that works best for the regional office

The local education agency shall:

1. follow the procedures and practices contained in the Kentucky Manual for ID&R
2. develop a local quality control plan that works best for the LEA
3. conduct awareness training for LEA staff to ensure they are knowledgeable about the local quality control plan and the established procedures and guidelines for ID&R in Kentucky
4. participate, as appropriate, in workshops and/or conferences conducted or sponsored by the SEA and/or regional office that focus on the continuity of a statewide ID&R system in Kentucky

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children, Washington, D.C., 2010, c. II, question K11.

### **i. Kentucky's ID&R Quality Control System**

Kentucky's ID&R quality control includes the following:

- proper and adequate training of all staff making eligibility determinations and completing COEs
- proper and adequate training of all staff reviewing, certifying and monitoring ID&R activities, including the review of COEs in Kentucky
- use of an approved interview protocol to obtain information from families and/or children
- proper and consistent instructions for completing the COE
- effective and accepted process for resolving eligibility questions
- effective process for the re-interview of migrant families
- fair corrective actions for districts failing to implement proper and adequate ID&R activities
- effective and efficient procedures for reviewing COEs before determining eligibility

### **1. Training for Recruitment Staff**

According to the OME, proper training of recruiters and recruitment staff should include the following topics:



- knowledge of MEP eligibility definitions
- understanding of the decision-making process used to determine eligibility for the MEP
- knowledge of local agricultural and fishing production and processing activities
- familiarity with local growers, processors and others
- proficiency in accurately, completely and clearly filling out all sections of the COE
- knowledge of the types of situations that need additional narrative or documentation beyond what is normally recorded on the COE

Furthermore, training may include additional topics, at the discretion of the ID&R coordinator and/or regional office:

- eligibility policy decisions affecting Kentucky
- quality control in identification and recruitment
- safety
- interview skills
- networking strategies/resource mapping
- local district logistics
- history and purpose of the MEP
- difficult eligibility determinations
- process for resolving eligibility questions

It is the SEA's responsibility to identify, organize and provide training for recruitment staff and those responsible for quality control of ID&R. It is the ID&R Office's responsibility to provide guidance for and assist in developing and implementing training for aforementioned staff. The ID&R Office will continue to conduct yearly regional recruitment trainings at geographically strategic locations throughout the state and recruitment trainings at the State Migrant Academy.

## 2. Reviewing and Approving COEs

An important part of quality control is the review of the COE. In Kentucky, the COE will be reviewed at different levels. All COEs are to be reviewed at the district level by at least two of the following individuals:

- recruiter (for accuracy prior to submitting the COE)
- advocate or another recruiter (where available)
- Migrant Program coordinator or designee

The LEA will:

1. review the COE as part of the local quality control plan
2. further verify information on the COE, if needed
3. search the district files for existing COEs on migrant children to avoid duplication
4. update any existing COE or create a new COE for each recruited child as appropriate
5. validate eligibility determinations on new COEs
6. correct any errors on submitted COE and/or complete a new COE per regional or state request in a timely manner (approximately two weeks)
7. ensure that all recruiters read and are thoroughly familiar with the *Kentucky Handbook for Identification and Recruitment* and the most current Office of Migrant Education guidance

In each district, at least one individual other than the recruiter who originally completed the COE should review the form. COE reviewers must ensure that the form is neat, accurate and complete. The form must be legible and with limited errors; the information in the form must be correct; and the form must be completed. Also, the information in the COE must be verified in a timely manner.

The regional office will:

1. review the COE as part of a regional quality control plan
2. further verify with the LEA any information on the COE
3. confirm or overrule any previous eligibility determinations, if needed, based on findings from a thorough verification process in a timely manner (approximately two weeks)
4. inform recruiter of any mistakes/errors on COE that must be fixed and/or warrant a new COE in a timely manner (approximately two weeks)
5. search the state database for existing COEs on migrant children to avoid duplication
6. input new COEs into the state student database
7. randomly select and interview (by telephone or in person) a significant sample of new families to ensure eligibility
8. work with specific recruiters who exhibit consistent eligibility issues
9. conduct annual re-interviews using the state re-interview process

In each regional office, at least two individuals should review the COE form. COE reviewers must ensure that the form is neat, accurate and complete. The form must be legible and with limited errors; the information in the form must be correct; and the form must be completed. **The COE is not approved until the designated SEA reviewer (usually the regional coordinator) has signed off on the COE. The regional coordinator will notify the recruiter once the COE has been approved in a timely manner (within two weeks). Then the regional clerks will send district recruiters a signed copy of the COE.**

The SEA shall:

1. review each COE as part of the state quality control plan
2. further verify with the regional office and/or the LEA any information on the COE
3. confirm or overrule any previous eligibility determinations, if needed, based on findings from a thorough verification process
4. inform regional office and LEA of any mistakes/errors on COE that must be fixed or warrant a new COE in a timely manner (approximately two weeks)
  - a. The regional office is contacted about the issue, and the recruiter is cc'ed.
  - b. The recruiter clarifies or obtains the needed information.
  - c. The COE is updated if needed and resubmitted to the state office.
  - d. If needed, the family may be re-interviewed at the request of the SEA.
  - e. Any misidentified children are removed from the MIS2000 database.
5. work with regional office to address issues with specific recruiters who exhibit consistent eligibility issues
6. use information gathered from this process as indicators for further clarification and training

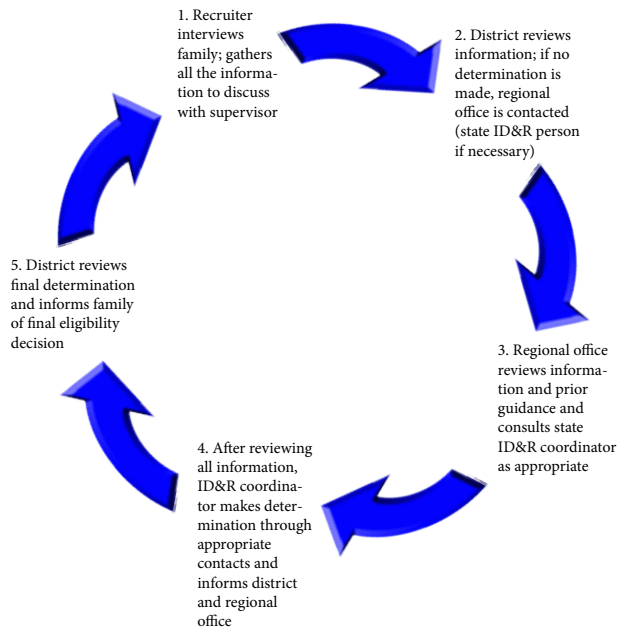
A sample COE review checklist is found in Appendix F.

### 3. Resolving Eligibility Questions

Occasionally, recruiters and/or districts face eligibility questions for which they have no answer or may need further clarification from the regional office or the SEA. In these instances, the following procedures should be followed:

1. Recruiters should consult with their immediate supervisors or his/her designees for answers to eligibility questions and problems that may arise at the LEA level.
2. LEA administrators and/or recruiters may contact the regional office (state ID&R coordinator if the regional coordinator is not available) for assistance in providing answers to recruiters' questions. All written eligibility inquiries must include:
  - a. detailed explanation of case scenario

- b. summary of all documentation and information gathered
- c. LEA's actual question on eligibility
- d. LEA's thought process and opinion of eligibility
3. The regional office shall consult the state ID&R coordinator if those questions require interpretations of federal or state law, regulation or policy. The SEA or state ID&R coordinator will contact Eastern Stream Center on Resources Training (ES-CORT) and/or OME, as appropriate, in writing for the resolution of questions and interpretations.
4. The ID&R coordinator will research the question and will provide a response to the regional coordinator and a written response to the LEA or recruiter. The information will be shared with all districts when feasible.
5. The LEA and/or recruiter(s) review the final determination from the regional/SEA office. The district informs the family or OSY of the final eligibility decision.



#### 4. Continued Residency (Re-Certification)

Families/youth previously identified as migrant must be revisited annually (within 12 months of the date of the last interview) to determine whether the family/youth has made another qualifying move out of the district and back again during the year. These follow-ups ensure that eligible families/youth continue to be served under the KY MEP.



**Get the continued residency signatures beginning Sept. 1, The longer you wait, the more likely the family/youth has left the area.**

When the recruiter/advocate follows up for continued residency and learns the family/youth has moved out of the district and back again:

- and either move was a qualifying move, a new COE is required and their new eligibility period needs to reflect the new qualifying move
- but such a move back was not a qualifying move, their eligibility period and qualifying arrival date remains the same and no changes in the COE are necessary

If the family has not made a new qualifying move, a new COE is not required. The LEA should document on the copy of the original COE given from the regional office that a contact was made during the year. The person who verifies the presence of the family/youth signs and dates at the bottom of the COE, and then the recruiter signs and dates as well. The family/youth's eligibility will continue for the remainder of their 36-month eligibility period starting on the QAD documented on the COE as long as the continued residency signatures are obtained each year.

It is recommended that the recruiter verify the presence of the family/youth as close to Sept. 1 as possible. This is because a new migrant funding year begins on Sept. 1 and is the first day signatures can be obtained. In addition, the longer the recruiter waits, the greater the chance that the family/youth has left the area.

## **5. Re-Interviewing Migrant Families/Youth**

There are multiple ways of ensuring the accuracy of eligibility determinations made by recruiters. Re-interviewing parents is one of these ways and is considered a good practice by OME. In Kentucky, this practice may consist of “rolling re-interviews” and “formal re-interviews.”

Through re-interviews, regional offices will systematically corroborate the information provided by the migrant family or child during the interview. While the rolling re-interviews will be conducted in an ongoing manner, the formal re-interview will be conducted by an outside agency once every three years, using external, non-district or regional personnel as interviewers. The SEA will provide regional coordinators with specific information and training regarding interview protocols for conducting re-interviews.

### **ii. Removing Families/Youth from the KY MEP**

All Kentucky school districts are responsible for maintaining an accurate roster of eligible migrant families/youth. Once a child or youth is identified as no longer eligible, he/she must be removed from the school district’s MEP roster. There may be numerous reasons why the LEA may need to remove a migrant family from the KY MEP. Reasons for removing a family/youth include but are not limited to:

- the eligibility period expires
- the family/youth moved away
- family/youth no longer wants to be enrolled and has signed out
- family/youth was incorrectly determined eligible for the KY MEP
- If the child or youth was found ineligible the regional clerks will need to uncheck the appropriate year check box in Infinite Campus

If a child/youth’s eligibility period expires, the LEA should:

- Conduct follow-up interviews to check for possible new QADs. If there has not been a new QAD, the recruiter should inform the family of the expiration of their eligibility for the MEP.
- Stop all services provided by the MEP (some exceptions apply – see provisions for continuation of services below).
- File the COE as “End of Eligibility” or in a similar manner. LEAs are also responsible for identifying the reason for the child/youth no longer being eligible, for example, “36 months expired.”
- Complete an individual withdrawal form for the family/youth, check the “EOE” section, and submit to the regional office.

If a parent/guardian or an OSY indicates that he/she no longer wishes to be served as migrant:

- The recruiter should write in any clear spot on the COE that parent/guardian or OSY no longer wishes to be identified as migrant.
- The LEA will complete an individual withdrawal on the family/youth and submit appropriately to the regional office. Include on form that the family/youth no longer wishes to be served.

If a parent/guardian or an OSY indicates *during the initial interview* that he/she wishes not to be identified as migrant, the recruiter should still complete a new COE indicating that the parent/guardian or OSY does not want to be part of the program. This ensures that the student is reported as identified, but not served in the program. There should be a comment stating such on the COE.

If a family/youth was incorrectly determined eligible for the MEP, the local district should:

- contact the regional and state offices in writing and request that the child(ren) be removed from their migrant count
- contact the regional office and indicate, if possible, the cause of the erroneous eligibility determination and any local corrective actions to address such cause

### iii. Continuation of Services

There are circumstances under which a program is still allowed to provide services to a migrant child/youth even after he/she is no longer eligible for the migrant education program. These circumstances include:

1. when eligibility expires during the school term – services may be provided until the end of the term (school year)
2. when eligibility expires and there are no comparable services – services may be provided for an additional school year
3. when eligibility expires at the secondary level – services may be provided through credit-accrual programs until the student graduates

Before the district provides services to these children, it should consider whether the child's unmet special educational needs are addressed by the general school program and whether migrant children who are a priority for services have already been served.

Once a migrant child has received a high school diploma or its equivalent, the individual is no longer entitled to a free public education through grade 12 under state law and, therefore, is not eligible as a "child" to receive MEP services. However, in some circumstances, it might be possible that a child who finished high school may be eligible for MEP services.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, Draft Non-Regulatory Guidance for the Title I, Part C Education of Migrant Children, Washington, D.C., 2003, c. V, question A9.

#### State's Decision:

**In order to be COS (2) a student must be PFS this year if your district wishes to continue services for the following year. The district would need to add the student's name to the current enrollment that is provided to them at the beginning of the school year and mark the student as COS. The district would not receive any additional funding for this student. The clerks would then check the COS checkbox on the school history panel.**

**In order to be COS (3) a student must be enrolled in a credit accrual program and then complete the current enrollment report as COS (2).**

### V. COMMUNICATION WITH PARENTS

It is necessary that MEP staff has an ongoing and effective line of communication with migrant parents. This ongoing communication between the parents and the program will facilitate the corroboration of eligibility determinations. Effective communication through the ID&R process is the first step in creating this relationship between the program and the migrant parents.

Using effective communication skills with parents will certainly enhance the ID&R of migrant families. Remember that families may know other families in similar situations. Parents are an important source of information and networking for the recruiters; keeping these lines of communication open is essential.

To accomplish this task, the SEA shall:

1. coordinate with other states to exchange the information about shared families who move in and out of Kentucky
2. operate the Manual for ID&R in consultation with a formal regional or state migrant parent advisory council (PAC) to strengthen the ID&R of migrant families
3. provide technical assistance to LEAs in developing and implementing local parental involvement activities related to the ID&R of migratory children

Each LEA shall:

1. develop and disseminate to parents materials and information relevant to concerns and issues of the migrant families (e.g., school requirements, educational programs, supportive services)
2. network with the migrant population when identifying eligible families
3. participate in regional and state parent meetings and related activities
4. maintain a parent evaluation following the regional and state parent meetings
5. develop and implement parent involvement activities related to ID&R

### **a. Benefits to the Families/Youth**

Q. What are the benefits for a family that has been identified and recruited as migrant?

A. All recruiters should understand the struggles and adversities migratory children and youth face with regard to their education. Truly successful recruiters/advocates also believe in the MEP and its positive influences in helping migrant children succeed in school and beyond graduation. Effective recruiters take time to learn about the services provided by their LEA and communities for migrant students. They collaborate with MEP service providers when implementing program services, which allow them to see the program in action. Recruiters can then share these experiences and knowledge when speaking with families and youth about the benefits of the MEP.

When explaining benefits to families/youth:

- Be sincere.
- Share what community agencies offer in the area.
- Remember that migrant students are eligible for free school meals under the free or reduced-price meal program at their schools.

### **b. No Promises**

Before a recruiter/advocate approaches a possible eligible migrant worker/youth, the recruiter should be aware of all possible services provided by the LEA. However, it is critical that the recruiter never makes promises of eligibility or services to be provided. It is always difficult for a recruiter to have to return to a family and inform them that they are not eligible due to an incorrect eligibility determination. Unfulfilled promises will promote a negative opinion of the MEP. Families may lose trust and confidence in the MEP and may not refer other families to the program.





***When interviewing OSYs, explain to them how their recruitment helps school-aged migrant students.***

## c. Interviews

Interviews are most likely the first form of contact between the migrant family and the KY MEP. These suggestions may help recruiters prepare for an effective interview with families.

### i. Preparing for the Interview

- Review the scope of the KY MEP including definitions, benefits to the family and the eligibility guidelines.
- Obtain as much information as possible from the school (if lead was provided by the school) to have an idea about the prospective migrant family's situation and needs.
- Check a previous COE on file for background knowledge about the prospective migrant family's previous qualifying moves, if applicable.
- Contact the prospective migrant family to schedule a face-to-face interview with the parent/worker whenever possible.
- Have an eligibility screening tool to use as a guide for evaluating eligibility factors. See Appendix G – Eligibility Screening Tool (Sample).
- Confirm the address and directions.
- Carry proper identification such as a picture ID provided by the local school district.
- Be prepared to make a positive first impression. This will help create a relaxed, yet professional, climate. Show up to an interview in comfortable attire. Overdressing or wearing questionable attire may create an uncomfortable environment for the family/youth.
- Do not dress in or drive anything “official” looking.
- When recruiting at a school site during school enrollment, recruiters should make sure that necessary forms are completed and all information is collected. Sometimes it is difficult to reach parents at home; therefore, recruiters should make effective use of their school visits.
- Have qualifying and non-qualifying bags to leave with families/youths.

### ii. During the Interview

The purpose of the interview is to determine whether the child/youth may be eligible for the MEP. In Kentucky, recruiters should always use the STAMP of Eligibility to help make the appropriate eligibility determination.

- Identify yourself, show your ID and ask to speak with the family.
- Briefly explain your affiliation with the school district. For example,

“The MEP is a program that helps migrant students overcome the challenges of mobility and other difficulties associated with a migratory lifestyle in order to help them succeed in school and to successfully transition to postsecondary education or employment.

“The school district referred us to you because of the family survey that you completed stating that you have moved in the last three years to do agricultural work. I would like to ask some questions regarding the work that was done to see if your child(ren) may be eligible for MEP services.”

- Conduct the interview in person and speak directly with the migrant family/youth.
- Briefly explain the program and your purpose for your contact to the family. Some recruiters may wish to elaborate on the benefits of the program. However, it is ad-

vised that the explanation of program services be kept to a minimum until eligibility has been established.

- Create a friendly climate in which the family's culture and values are respected to establish trust and gather the most accurate, useful information possible.
- Show courtesy and respect for the migrant family and for the right to privacy. Do not make the family/youth feel pressured, threatened or inferior in any way.
- Use multiple words to explain the eligibility terminology (move, go, travel).
- Do not rely on scripted questions only. Use effective questioning such as open-ended questions and follow-up questions when needed.

As the recruiter conducts the interview, gather information on:

<b>Children who actually traveled with or joined the worker.</b>	Who are the children who traveled with or joined the worker? Who are the children that traveled on their own? Do you have any other children? Where are they? Are they expected to join you later?
<b>Home Base</b>	Where are you from? Where is your family from? Where do you call home? Where do you go if you are not working?
<b>Residency Date</b>	When did you and your family arrive in this school district? When did your children arrive? Are any more of your children expected to arrive here to be with you?

<b>QAD</b>	From where did you and your family move? To where did you and your family move? How long ago did you make that move? When did you live there? When did you come here? Do you remember when you arrived?
<b>The duration and nature of the work</b>	What is the purpose of your move? How long are you expected to work here? When did the work begin, and when did (does) it end?
<b>Establish if it is qualifying work</b>	What type of work did you obtain? Exactly what are you doing at your job?EWWhat type of work were you hired to do?
<b>Economic Necessity</b>	Why did you choose this area to move to? Why did you decide to move? Why didn't you stay at your previous residence?

- If you are uncertain about any information, ask as many times as needed to verify information. Migrant families/youth are highly mobile; this may be the last time you have the opportunity to verify this information.
- Gather all information through the interview and record it carefully on the BIP and COE. Never ask the qualifying worker to fill out the COE form.
- Scan your surroundings. Be attentive to details that may provide relevant or contrary information.

### iii. Closing the Interview

- Review the information you entered on the BIP and COE with qualifying worker.
- Explain FERPA before obtaining a signature.
- The following conditions and FERPA rights must be explained to parents. Parents have the right to:
  1. have access to and inspect their child's education records
  2. look at their child's MSIX account via the recruiter
  3. seek to have the records amended
  4. consent prior to the disclosure of information from education and health records
- Obtain a signature from the parent/youth.

If an eligibility determination is made based on all the information gathered from the interview:

- Use good judgment when determining the family/youth's eligibility based on the interview and all eligibility guidelines provided in this manual.
- Sign and date the COE on the date of the interview.

If an eligibility determination is unable to be made, and further investigation is required:

- Explain that the COE will be reviewed and, after a determination of eligibility is made, the parent/youth will be contacted and will receive a copy of the COE, if applicable.

Before leaving make sure you have:

- informed the parent/guardian of his/her rights under FERPA
- documented all information, including all necessary comments on the BIP and COE
- reviewed the COE for completeness and accuracy
- made sure all necessary comments are on the COE
- obtained parent/youth's signature
- answered questions from the parent/youth
- not promised eligibility for the KY MEP if there is a shred of doubt
- not promised services to the family/youth
- made appropriate referrals to other community services that may be beneficial to the family/youth
- asked the parent/youth for names of other prospective migrant families who might have come to the area to work in agriculture or fishing
- verified all contact information, including names, birthdates, phone numbers, and made necessary changes or notes to address information in case a recruiter needs to conduct a follow-up interview
- thanked the family/youth for their time and information



***When closing the interview, a recruiter may ask, "Do you know anyone from work who recently moved here with children or who is younger than 22?"***

### iv. After the Interview

If the recruiter is unable to make a proper eligibility determination:

- Verify information given by the family/youth. Contact previous school district, employers or references.
- Consult with an experienced recruiter, supervisor or coordinator if determination was not possible.

When a determination is made, inform the family/youth and continue with your local KY MEP procedures in submitting a COE.

#### d. Leading Questions

One way of influencing a person is to ask them questions that are deliberately designed to make them think in a certain way. Leading questions may include the answer or subtly prompt the respondent to answer in a particular way. Families/youth, particularly ones who have knowledge of KY MEP benefits, are particularly susceptible to leading questions. These families/youth may be attuned to taking cues from recruiters and deciphering KY MEP eligibility criteria. Families/youth may tailor their answers based on the way questions are worded in an attempt to be found eligible for the KY MEP.

Leading questions are undesirable as they result in false or slanted information and improper eligibility determinations. Interviews should be used to seek as much information about the family/youth's possible migrant lifestyle.

Recruiters should use open-ended questions designed to encourage a full, meaningful answer using the interviewee's own knowledge. Open-ended questions typically begin with words such as when, where, who or how. Even the most experienced recruiter can easily fall into asking leading questions. The best way to avoid leading questions is to ask open-ended questions that solicit a clear and factual response. Some examples follow.



**Avoid leading questions by:**

- *using “open-ended” questions*
- *avoid soliciting an opinion*
- *staying neutral*

##### Leading Questions

Did you move here for agriculture?

Did you move here within the past 36 months?

When you arrived, did you work in agriculture?

Before you moved here, did you hear about agriculture/fishing work?

Do you top tobacco at work?

Is your job an important part of your income?

Are your children between 0 and 22 years old?

I know you are a crew leader, but don't you help the workers and also work in the field?

##### Information-Seeking Questions

Why did you move here? How did you hear about the work in this area?

When exactly did you move here?

What did you work in when you arrived here? What type of work did you do?

How did you learn about this place? What made you decide to come here specifically?

What do you do at work? What does a day at work look like for you?

How does your income help you with your bills?

Tell me about your children. How old are they?

What are all your responsibilities at work? Tell me about your responsibilities at work. What does a typical workday entail? What does your workday look like?

## e. Suspicions of Family/Youth Not Providing the Truth

If a recruiter suspects a family is not telling the truth, it is the recruiter's responsibility to determine the truth based on any information gathered.

- Press the family for all details.
- Examine the data carefully. Look for conflicting information, dates or stories.
- Analyze the information given.

If a parent/youth gives incorrect or conflicting data, do not accuse them of not telling the truth. The recruiter should point out that he/she will only make a determination based on the information provided. The recruiter should not explain why/how the family/youth was found eligible or not eligible for the KY MEP. When the parent/guardian/emancipated youth signs the COE, they are attesting that the information they provided throughout the interview is true and accurate.

## f. Who Determines Eligibility?

It is the MEP staff, not the individual being interviewed, who determines the child's eligibility for the program. Therefore, it is essential that the recruiter collects all the information necessary in an accurate manner and records such information in the BIP and COE.

The KY MEP is becoming well known among the migrant community in Kentucky. It is known for the excellent services for children and youth. Many families/youth know the great advantages of being eligible for the program. Therefore, they may say and do whatever possible to be found eligible. During an interview, a recruiter's eligibility determination must not be led by the family's desires or needs. If the interview, documentation or any source of evidence finds the family ineligible, the recruiter must follow through and not enroll the family into the MEP.

The time frame from the initial interview and the final determination should be as short as possible. Migrant workers have traveled many miles to work and provide for their families. It is only a professional courtesy to determine their eligibility as quickly as possible. Also, migrant workers, especially emancipated youth, migrate so often they may have moved again by the time you return with additional questions or your eligibility determination. It is the responsibility of the recruiter to identify and recruit all possible eligible migrant families/youth; timing is critical.

The recruiter (not the individual interviewed) determines the child's eligibility on the basis of the statute, regulations and policies that the SEA implements through formal procedures.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children, Washington, D.C., 2003, c. III, question A8.

Q: What type of documentation is needed when we want the parent/guardian to supply more information to substantiate a move?

A: It depends:



***The purpose of the interview is to make a proper eligibility determination and not to simply find a family eligible***

## **If there is a question as to:**

whether the parent was employed in a specific agricultural activity

whether or not the family moved and returned

## **What documentation is sufficient**

- contacting that employer to substantiate the employment via phone
- old pay stubs with name and address of employer and name of worker
- contacting school authorities for possible enrollment, withdrawal dates or absence of student
- checking MSIX for possible student school information
- contacting neighbors, friends, family members who can confirm information

### **i. Unsure of Eligibility**

In the case where the recruiter is not sure of the eligibility based on the information gathered, the recruiter must inform the family/youth that more information may be needed.

“I will take this back to my supervisor since he/she makes all the final decisions. We may have to contact you again for more information if the need should arise.”

This should give the recruiter sufficient time to consult with his/her supervisor for guidance, which will yield a more accurate determination.

### **ii. Determined Not Eligible**

If a family/youth is found ineligible, the recruiter must inform the family as soon as possible.

“According to our conversation (or documentation found), it is my responsibility to inform you that you are not eligible for this particular program. I would still like to provide information about other community agencies that may help you. They are...”

The recruiter should refer them to other community agencies. It is important to know and share what your community can offer. One of the reasons migrant children do not succeed as well in school is the disconnectedness with the community and all its possible resources. The recruiter/advocate has the opportunity to assist children and families by sharing information about available resources.

Recruiters should file any paperwork for the family deemed not eligible (BIP, notes, COE) in a “not eligible” file in their offices. This serves as further documentation for the not-eligible determination if ever needed.

## **g. The Laws**

There are many laws that protect migrant children/youth no matter their alien/citizenship status.

### **i. Laws that Protect Migrant Children/Youth**



## 1. The Bill of Rights

The Bill of Rights does not grant foreigners the right to enter the United States, but once here, immigrants are entitled to certain broad constitutional protections. Due process – the right to be treated fairly, whether in a deportation hearing or a criminal court proceeding – applies to every person within U.S. borders. Equal protection prohibits discrimination based on race or national origin. An alien's rights to free speech and religious freedom are protected under the First Amendment. The Refugee Act of 1980 gives certain aliens the right to political asylum in the United States.

## 2. Plyler vs. Doe

The Texas State Legislature passed a law in 1975 withholding state funds for the education of children who were not “legally admitted” to the United States and authorizing schools to deny them admittance. This state legislature denied undocumented immigrants the right to a free education. In 1977, a class action lawsuit was brought on behalf of children of Mexican origin who were being denied an education because they were “undocumented aliens” – that is, they had entered the country without lawful immigration procedures.

In its 1982 decision in *Plyler v. Doe*, 457 U.S. 202 (1982), the U.S. Supreme Court by a 5-4 vote sided with the students. The majority pointed out that the Texas state law was unconstitutional because it had violated the Fourteenth Amendment's Equal Protection clause, which ensures “equal protection of the laws” for all persons, not all citizens. The U.S. Supreme Court held that the Constitution states that all children, not just citizens, have the right to free education, and Texas state law was struck down.

The Supreme Court ruled in *Plyler v. Doe* that public schools were prohibited from denying immigrant students access to a public education. The court stated that undocumented children have the same right to a free public education as U.S. citizens and permanent residents. Undocumented immigrant students are obligated, as are all other students, to attend school until they reach the age mandated by state law.

Public schools and school personnel are prohibited, under this ruling, from adopting policies or taking actions that would deny students access to education based on their immigration status. The following school practices are prohibited:

- inquiring about a student's immigration status, including requiring documentation such as green cards, social security cards, citizenship papers or other items (the school may require proof only that the child lives within the school district attendance zone)
- inquiring about a student's or parent's immigration status
- requiring students or parents to provide or apply for a Social Security number
- requiring documentation or proof of immigration status to enroll in any school-related services, for example, free or reduced lunch programs
- any communication or cooperation with Immigration and Customs Enforcement (ICE) concerning a specific student

Q: Should recruiters ask migrant families for their immigration status to enroll them in the MEP?

A: No. In fact, recruiters should not request this type of information because it may discourage undocumented individuals from seeking the services they need and for which they qualify. A Social Security number or other proof of residency/citizenship is not required for recruitment in the MEP.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children, Washington, D.C., 2003, c. III, question A19.

### 3. Child Abuse

When parents cannot, do not or will not protect their children, the Kentucky Cabinet for Health and Family Services (CHFS) steps in to help provide a full spectrum of services from parenting classes and respite care to transportation and child care. The goal of CHFS is to keep children safe with their own families when possible. KRS 620 provides for the protection of children through the mandatory reporting of known or suspected child abuse.

(.030) Any person who knows or has reasonable cause to believe that a child is dependent, neglected or abused shall immediately cause an oral or written report be made to a local law enforcement agency or the Kentucky State Police; the Department for Social Services; the Commonwealth's Attorney; or the County Attorney. Unless requested by law enforcement, the Department for Social Services investigates only those cases of abuse or neglect alleged to have been committed by a parent, guardian, or other person in care, custody or control of the child.

All persons are required to report, including, but not limited to:

- Physicians, osteopathic physicians, nurses, coroners, medical examiners, residents, interns, chiropractors, dentists, optometrists, emergency medical technicians, paramedics, or health professionals.
- Teachers, school personnel, or child caring personnel
- Social workers or mental health professionals
- Police officers

(.050) Anyone acting upon reasonable cause in the making of a report in good faith shall have immunity from any civil or criminal liability. Neither husband-wife nor any professional-client privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for refusing to report known or suspected child abuse.

2010 Kentucky Revised Statute 620 Mandatory reporting of child and spouse abuse.

CHFS is responsible, as mandated in Chapters 194A and 620 of the Kentucky statutes, for providing comprehensive protective services for abused, neglected or abandoned children in Kentucky by requiring that reports of each abused, neglected or abandoned child be made to the Kentucky Abuse Hotline. The CHFS is committed to working in partnership with local communities to ensure the safety, well-being and self-sufficiency for the people it serves. Law enforcement authorities take the lead in all criminal investigations and prosecutions.

Every person has a responsibility to report suspected abuse or neglect and any person intentionally violating the provisions of chapter 620 shall be guilty of a Class B Misdemeanor.

2010 Kentucky Revised Statute 620.990 mandatory Reporting of Child and Spouse Abuse/ Penalty

Recruiters, being school personnel and "professional mandatory reporters," must report suspected abuse or neglect to CHFS. To report abuse, contact CHFS via the Kentucky Abuse Hotline at (800) 752-6200. In the case of an emergency, or when there is imminent

danger to the welfare of the children, recruiters are to contact their local police/emergency response authorities.

## **ii. Recruiter Responsibilities**

As school district employees, MEP recruiters also must adhere to laws that protect migrant children and their parents. Being aware of and following these laws and guidance also protect the recruiter and the program.

Recruiters, just as any other school personnel, are prohibited from cooperating with the United States Citizen and Immigration Services (USCIS) or the ICE in any way that may jeopardize an immigrant student's right of access. Any information can only be released upon the presentation of a valid subpoena. All school personnel should be advised of this policy.

If a subpoena is presented, it may be advisable to check with an attorney to properly check into the validity of the subpoena.

"I must present this to my school district attorney before taking any immediate actions."

School officials must determine that the subpoena:

- lists the school by its correct name and address
- lists students by name
- is signed by a judge
- is less than 10 days old
- is served by a USCIS or ICE officer with proper identification

### **1. Guardianship Issues**

With regard to the MEP, a guardian is a person who stands in the place of a parent to a child (in "loco parentis") whether by accepting responsibility for the child's welfare or by a court order. A legal document is not necessary to establish guardianship as long as the guardian stands in the place of a parent to a child and is responsible for the child's welfare. Siblings may act as guardians if the sibling acknowledges responsibility for the children's welfare and stands in place of a parent. Foster parents may also act as guardians

Although the definition of "migratory child" in section 1309(2) of the statute does not mention the move of a guardian as a basis for eligibility, section 9101(31) defines "parent" to include a legal guardian or other person standing in "loco parentis." In addition, the regulations include a provision that a child's eligibility may be based on the move of a guardian. [See 34 CFR 200.81(d).]

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, Draft Non-Regulatory Guidance for the Title I, Part C Education of Migratory Children, Washington, D.C., 2010, c. II, question B1-5.

### **a. Children Removed from the Home**

When a child with a signed COE is removed from the home, the child may still receive services for the remainder of his or her eligibility as long as the child still resides in the same school district where his or her COE has been signed.

If a migrant child is placed with a guardian who already has a QAD, the child may still receive services for the remainder of his or her eligibility as long as the child still resides in the same school district where his or her COE was signed. However, a recruiter should complete a new



**Kentucky Abuse  
Hotline  
(800) 752-6200**



***Reunited, being school district personnel, should be aware of district-specific procedures with regard to their duties and responsibilities under Plyer***

COE when the child makes a new qualifying move with the new guardians.

U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, Draft Non-Regulatory Guidance for the Title I, Part C Education of Migrant Children, Washington, D.C., 2003, c. II, question M8.

When a local KY MEP program is aware that a student will be moving within the 36-month eligibility period to another Kentucky district, the staff should contact the new receiving district to inform it of the move and should forward a copy of the COE. The staff in the new district should complete a COE with a new residency date.

Any migrant child that is removed from his or her family and placed in foster care or the care of the state may continue to receive services up to the end of his or her three-year eligibility as long as the child still resides in the same school district where his or her COE was signed. The only exception to this is when the guardian of the migrant child signs the COE relinquishing all MEP services for the child.

## **VI. RECRUITMENT STRATEGIES**

### **a. ID&R Action Plans**

LEAs should develop a written ID&R district and/or individual action plan that outlines the steps for the recruitment of migrant children. The plan should detail timelines, effective recruitment strategies and methods to find all migrant children and their families.

The plan should include:

- a description of trainings attended for all recruiters, including agenda topics
- various strategies and activities to actively identify and recruit all eligible migrant children in the district, including preschool and out-of-school migrant children
- a map of the district and current migrant housing lists to target all areas in which migrant families or OSY are likely to reside
- daily, weekly, monthly or annual schedules of activities related to ID&R, outlining efficient efforts during high and low periods of migration
- coordination and networking with local and regional agencies and organizations that provide services to migrant workers and their families
- a safe and effective process for deploying recruiters within the district
- an effective protocol for eligibility review
- a reflection on what strategies and activities related the ID&R of all eligible migrant did and did not work
- documentation of time and effort for anyone paid from migrant funds (i.e., time and effort logs, recruiters logs)
- written quality control procedures for ID&R

See Appendix J for a sample recruitment plan and time and effort logs.

### **b. Locating Prospective Migratory Children/Youth**

Using a variety of recruitment strategies will greatly improve a recruiter's opportunity to find migratory families. This will increase the likelihood that the KY MEP services will reach those who need them. The following are strategies to consider.

#### **i. Partnership with LEAs**

At the beginning of the school year, use recruitment tools that can be used effectively dur-

ing open registration. Some examples may include, but are not limited to, family surveys and an eligibility screening tool.

A sample of an eligibility screen tool is found in Appendix H.

A sample of a family survey is found in Appendix G.

If a family survey is used for ID&R, the LEA may choose to first conduct awareness training for key school personnel, registrars, attendance clerks, nurses, teachers, counselors and others. This may help them to recognize when a child or family may be migratory.

## **ii. Partnerships with Community-Based Organizations**

Community-based ID&R strategies establish partnerships with community members and organizations that can assist with the ID&R process. This approach includes strategies to be used outside of schools to find eligible migrants who may not be attending school or who have no siblings in school.

The recruiter should:

- contact local community-based organizations (CBOs) and become aware of their services and eligibility requirements
- obtain information that may be helpful to migrant families
- collaborate with these CBOs to conduct MEP awareness training. Many CBOs conduct weekly or monthly staff meetings that may include training from outside agencies (this would be an opportunity to provide awareness training to the staff)

Recruiters should become familiar with the requirements for qualifying for WIC, food stamps, sliding fees at clinics and hospitals, financial assistance for day cares, Head Start programs, food banks, clothing banks, health departments, shelters, and local referrals for legal services. Other programs to become familiar with are Adult Education, CAPS (Christian Appalachian Project), churches, civic organizations, Community Action programs, ESCORT/Harvest of Hope, Family Resource Centers, governmental agencies, health department, Housing Authority, Red Cross and Interagency Councils.



***Many local MEPS find it effective to set up information booths at school events (i.e. back-to-school events, assemblies, parent-teacher night)***

All students enrolled in the Migrant Education Program are eligible to receive free school lunches. Contact the cafeteria manager with a list of eligible migrant students for that school/district.

## **iii. Partnerships with Agricultural Businesses and Organizations**

These partnerships can be a source of quality leads for recruiters. Being able to recruit where migrant families/youth are employed helps the recruiter determine if the qualifying work is indeed agricultural or fishing.

To partner with agricultural businesses and organizations, the SEA shall:

- contact and enlist the assistance of federal and state agencies whose responsibilities include agriculture
- contact and enlist the assistance of the growers, farmers and processors of local crops

Each participating operating agency shall:

- identify and contact all growers, farmers and processors that work with migrant families
- maintain a list of such growers and processors and revisit them often
- develop professional rapport with agricultural businesses informing them of MEP benefits for their workers and their businesses
- conduct surveys with local growers, farmers and processors to determine the exist-

- ing migrant population residing in the district
- conduct annual meetings with agricultural businesses and organizations

Recruiters shall:

- start with and focus on one grower at a time
- meet growers face to face
- call ahead to set up an appointment
- recruit before and after work and/or during lunch breaks. The recruiter should not pull workers away from work. Appropriate on-site interviewing provides an opportunity for the owner to see recruiters in action.
- have work identification readily available
- do prior research and show interest in the farm/business operation
- be persistent but not pushy
- thank the grower, in writing, for providing permission to speak with workers
- ask the grower to recommend other growers
- ask if the recruiter can use his/her name when contacting other growers

To expand and strengthen state efforts to identify and recruit migratory children and families, the SEA and participating operating agencies must coordinate with other appropriate state and local governmental and private agencies. This assists MEP staff in determining eligibility of existing agriculture/food processing migrant activities within the school district(s).

### **c. Recruiter Tool Kit**

An effective recruiter is one that has full comprehension of eligibility criteria and knows how to use tools resourcefully to recruit migrant children/youths.

Listed below are some of the tools that can help individuals become a successful recruiter. These are “tried and true” methods from Kentucky recruiters:

- picture identification – with school district and MEP logos
- business cards – with recruiter’s name and complete business contact information
- National Migrant Hotline cards
- family survey
- eligibility screening tool
- welcome bags for families and youths (hygiene kits, lunch boxes, school materials, coloring books)
- non-qualifying bags with local resources
- detailed map – school district/county
- atlas of 50 states – including state abbreviation and cities
- list of counties/districts/provinces of Mexico and Canada
- blank COE and a sample COE already filled out for reference purposes
- address book
- contacts of known growers
- contacts of known contratistas (contractors)
- contact information of other agencies serving migrant families and the services provided
- handouts of information from other helpful agencies in the community
- flexible work hours
- contacts with school personnel, such as record clerks, secretaries, ESL staff
- frequent the same places as migrant workers – Walmart, Hispanic stores, restaurants and groceries



- know what is grown and when in your area (crop time line)

A list of recruiter tips is found in Appendix I.

A list of country codes and abbreviations can be found in Appendix L.

The Kentucky crop timeline can be found in Appendix M.

## **i. Out-of-School Youth and Preschool Children**

Identification and recruitment of OSY can be difficult since this population has a tendency to “fly under the radar.” Preschool children are difficult to identify as well since they are not enrolled in the school district. To successfully recruit OSY and Pre-Ks, the recruiter must be flexible:

- Work evenings and weekends and/or mornings for those who work in the evenings.
- Make contact before workers go into the field or after they come out.
- Flexibility means whatever hour the OSY and parents are available.
- Recruit at their convenience, not the recruiter’s.

Recruiters also must recruit at various locations. Using agricultural and school surveys will not work in recruiting this population. Recruiters should look at all possible locations such as:

- fields and barns
- camps and bunk houses
- apartments
- churches
- pawn shops and flea markets
- Mexican restaurants and Mexican stores
- supermarkets and laundromats
- places where money orders can be purchased
- food stamp offices, food banks, shelters, health departments
- soccer fields, Hispanic stores, restaurants, cultural celebrations, community pools and centers, parks, dollar stores, Walmart
- day cares

Recruiters also can collaborate and coordinate with many community organizations to aid in recruiting. These also can serve as excellent referral sources for the out-of-school youth and families. They will vary depending upon your district:

- crew chiefs or “contratistas”
- agri-business, farmers, greenhouses and nurseries
- unemployment offices
- Head Start centers and day cares
- community health centers
- local hospitals
- community service groups (Lions, Kiwanis, Salvation Army, Goodwill, St. Vincent de Paul, thrift shops and local charities/food banks)
- Red Cross and United Way
- churches and non-profits
- Kentucky Farm Worker Outreach
- local housing authority
- growers and cattlemen’s associations
- local Legal Aid services
- Mexican American Legal Defense and Education Fund (MALDEF)

- Kentucky Migrant Legal Services Project

Recruiters should leave the OSY and families with qualifying and non-qualifying bags. This can be done at minimal cost to the district budget. Be sure to include something for everyone:

- pamphlets with important phone numbers and mini English lessons
- maps of states and where consultants can be located, including hours
- English CDs and/or bilingual dictionaries
- bilingual books
- basic picture books
- coloring books (insurance agencies and fire departments usually have these for free)
- Spanish textbooks from Mexican Consulate
- educational bags (books, pens, pencils, paper, notepads, calling cards, crayons, markers, school supplies)
- hygiene bags (can contain soap, toothbrush, sun block, lotion, insect repellant, razors, toothpaste, deodorant, comb, lip balm)
- work bags (work gloves, bandanas, lunch boxes with the hotline number, baseball caps, ponchos)
- coupons for local stores ([www.couponmom.com](http://www.couponmom.com))
- toys (look for donations from fast food restaurants with children's menu toys)
- cold drinks (especially when recruiting in a field)

Kentucky is a partnering state in the Out-of-School Consortium. Many resources, supports and ideas are available through the website [www.osymigrant.org](http://www.osymigrant.org).

#### **d. Safety**

Safety is a top priority for the KY MEP. The safety of migrant families and migrant staff is as critical as the ID&R process itself. Since interviews are conducted under different situations at various times of the day, safety should be at the forefront of any program activity.

Although each LEA may establish procedures for the safety of its staff, here are a few tips to consider when addressing these issues:

##### **Before You Go**

- Ensure that you have obtained as much information about the family/youth as possible.
- Communicate your schedule and likely route to your supervisor. Notify your office of your arrival.
- Make sure someone always knows where you are (give coordinator or other staff member your daily/weekly schedule).
- It is best to wear clothes and shoes that do not impede your movement.

##### **Vehicle Safety**

- Do not ask for casual street corner directions.
- If you are told by a passing motorist that something is wrong with your vehicle – or if someone bumps you from behind – do not stop. Drive to the nearest well-lighted public area and call for assistance (police emergencies – dial 911).
- Always keep doors locked and windows up when driving or parking. Keep valuables in the trunk or locked glove compartment.
- Learn the signals of the emergency vehicles (police lights are blue or red). Do not

stop for flashing headlights alone.

- In the rare event that you are approached by a stranger who demands your valuables, do not resist. Your well-being is more important than your belongings.
- Do not give strangers a ride under any circumstances. Always be aware of the pedestrian traffic around your vehicle.
- Always park in well-lit areas. Have car keys in hand and check the surrounding areas and vehicle's interior before entering.
- If you experience car trouble on a major thoroughfare, lock the doors, turn on flashers and await the arrival of a law enforcement officer. If someone offers assistance, have them call 911.
- Never leave your vehicle unattended with the motor running.
- Do not stop to assist someone with car trouble. Use your cell phone and call police (dial 911).

#### Upon Arrival

- If possible, canvass the area around the home's address. Assess potential safety concerns and take precautions.
- Carry only your ID, a cell phone and keys.
- Park within direct sight of the home's entry. Park in a well-lighted, unobstructed area. Do not park in the driveway of the home. Park your car close to the door (keep car facing out when parked).
- As you exit your car, be attentive to people in the area and any unsecured dogs.
- Keep your hands as free as possible.
- Have emergency numbers saved under speed dial features. Keep your cell phone close at hand.
- Carry a personal alarm if feasible – a clip-on one is best.
- Be aware of your surroundings as you walk toward the home.

#### Safety During the Visit

- Wear a name badge if you have one, but do not wear one around your neck. A clip-on is best.
- Present yourself as calm, confident, observant and in control.
- Know your exits within the home.
- Position yourself between the client and an exit.
- Sit in a hard-backed chair.
- Have an excuse for leaving prepared in advance.
- Be aware of your surroundings and leave if your instincts tell you to.

## VII. TECHNICAL ASSISTANCE AND ON-SITE TRAINING

Participating Local Educational Agencies (LEAs) are responsible for the ongoing ID&R of eligible migrant children. Staff members who recruit migrant children are expected to be knowledgeable of the schools, community agencies, growers and their district's program services.

In order to accomplish this task, the SEA must:

- provide technical assistance and on-site training for LEA personnel, if requested, in techniques and strategies for the ID&R of migratory children
- develop training materials, in collaboration with LEAs, regional offices and other agencies, regarding successful ID&R practices and share information about "what works" within school districts

- provide leadership by initiating communication, sharing information and modeling collaboration and cooperation among school districts and states related to successful ID&R practices
- provide a State Manual for ID&R to operating agencies to serve as a guide for ID&R of eligible children
- validate ID&R through periodic reviews
- assist participating school districts and operating agencies with the development and implementation of the district's ID&R plan, if requested

To facilitate continuous and timely recruitment efforts both in the schools and in the community, the operating agency (regional and local) must:

- provide ongoing technical assistance and training, in collaboration with the ID&R coordinator to LEA recruiters on ID&R techniques
- meet periodically with the SEA and the ID&R coordinator to discuss issues in the area of ID&R
- develop a district's and/or regional ID&R plan to ensure that all geographical areas are visited by recruiters to identify and recruit all eligible children
- use the State Manual for ID&R and various reports provided by the SEA in designing the plan for ID&R
- cooperate with other participating community agencies in the development of a network to assist with the ID&R of migratory children
- continue to maintain rapport with migrant families

## VIII. GLOSSARY

**For the purposes of the KY MEP, the following key terms are explained, specifically for the identification and recruitment of migrant children and youth.**

Advocate	A KY MEP staff member, usually employed by the LEA or regional office. Responsibilities may include, but are not limited to: ID&R, student support services and social service support to migrant children or youth.
Agricultural Activity	Any activity directly related to the production or processing of crops, dairy products, poultry or livestock for initial commercial sales or as a principal means of personal subsistence; any activity directly related to the cultivation or harvesting of trees; or activity directly related to fish farms.
Basic Interview Pattern (BIP)	The supporting document used in Kentucky to “pre-interview” the family and document migrant work history.
Bunk Houses	Also known as camps; refers to housing for migrant agricultural workers. Living conditions may be below standards.
Certificate of Eligibility (COE)	The documentation used by Kentucky as the legal document used to enroll eligible migrant children/youth into the KY MEP.
Comments	Statements on the COE that provide additional corroborating information for the family.
Crew	A group of agricultural workers, usually under the supervision of a crew leader, who works on a farm.
Crew Leader	Workers responsible for the supervision of the crew/agricultural workers. Those who work exclusively as crew leaders are not eligible for the KY MEP.
Crop	A plant or animal or plant/animal product that is harvested for use by people or livestock.
Cultivating	Also known as harvesting – refers to the soil preparation, planting, tending, pruning and cutting of plant crops.
Dairy Worker	Agricultural workers who works in milking, herding, cleaning after dairy animals and in the production and processing of dairy products.
Day Haulers	Workers responsible for locating and transporting migrant workers to and from the Qualifying Work. Those who work as day haulers are not eligible for the KY MEP.
Documentation	Any information/record or other proof that may corroborate a worker and their family’s migrant lifestyle, move and work. Such documentation may include but is not limited to birth certificate, shots record, school enrollment forms, report cards or pay stubs.
Early Move	A move that occurs before work is reasonably expected to be available.
Eligibility	Determining a migratory family is qualified to participate in the KY MEP.
Emancipated Youth	See definition for Out-of-School Youth (OSY).
Enrollment Date	Date the child/youth is enrolled in the current school district. For children not enrolled in K-12, use the local district’s school dates, as if they were in school.
FERPA	The Family Education Rights and Privacy Act of 1974. This act provides each family the right to access their child’s records and provides that the privacy of such records is protected.

Fish Farm	A tract of water reserved for the artificial cultivation of fish or shellfish, such as catfish, eels, oysters or clams. The fish are artificially cultivated, rather than caught in open running water as they would be in a “fishing activity.”
Fishing Activity	Any activity directly related to the catching or processing of fish or shellfish for initial commercial sale or personal subsistence.
Follow-up	1.Re-contacting the worker/family for further documentation to determine accurate eligibility. 2.Contacting the family/youth, on a yearly basis, to document any changes in eligibility.
Harvest	1. The season for gathering crops. 2. The act or process of gathering a crop. 3. The mature crops, the quantity of a natural product gathered in a single season.
Home Base	The city/town/state/country the worker considers the permanent address where he/she resides for much of the year when not migrating for work.
ID&R Plan	A plan that details ID&R activities and strategies to identify and recruit all migrant children/youth. Such plans also will include a timeline for ID&R activities.
Initial Processing	When the qualifying work involves working with “raw products.”
Interview	The process that gathers information needed to determine a child’s or youth’s eligibility for the KY MEP.
Lead	Information given by a third party regarding possible migrant children/youth.
Leading Questions	A question that subtly prompts a possible migrant family/youth to answer in a particular way. Leading questions are not recommended during the eligibility interview.
Livestock	Any domestic animal produced or kept primarily for breeding or slaughtering purposes: beef and dairy cattle, hogs, sheep, rabbits, deer, goats, and horses. Activities may include herding, feeding, watering, caring for, branding or tagging.
Local Educational Agency	Also known as Local Operating Agency – Kentucky school districts that receive funds and are responsible for the daily operations of the MEP. Major responsibilities may include, but are not limited to, ID&R and providing migrant education services.
Migrant Family	Family consisting of at least one family member who is a qualifying worker that has moved to seek or obtain qualifying agricultural/fishing work.
Migratory Agricultural Worker	A person who, in the last 36 months, has moved due to economic necessity from one school district to another to obtain temporary or seasonal employment in agricultural activities (including dairy work).
Migratory Fisher	A person who, in the last 36 months, has moved due to economic necessity from one school district to another to obtain temporary or seasonal employment in fishing activities.
Original Product	The crop at its most natural state before processing of any form.
Out-of-School Youth (OSY)	Also known as emancipated youth – a youth under the age of majority who is no longer under the control of a parent or guardian and is solely responsible for his or her own welfare.



Permanent Relocation	A move that is made without the intent to move again.
Personal Subsistence	The worker and his or her family consume the crops, dairy products or livestock they produce or the fish they catch to survive.
Primary Purpose	The main or outstanding reason why the worker and his/her family moved across school district lines.
Probing Questions	Additional questions asked by recruiters/advocates/COE reviewers to families/youths to determine appropriate eligibility.
Processing	<p>Transforming a “raw” agricultural or fishing product into a more refined product. This includes, cooking, baking, curing, heating, drying, mixing, grinding, churning, separating, extracting, slaughtering, cutting, eviscerating, preserving, dehydrating, freezing, chilling, packaging, canning, jarring or otherwise enclosing “raw” agricultural fishing products in a container.</p> <p>Initial Processing – Processing that takes place with the raw product.</p> <p>Further Processing – After an initial commercial sale, processing goods into a more refined product. These activities are not eligible qualifying activities.</p>
Production	Activities on farms, dairies, orchards and nurseries that engage in the production of crops, plants or vines. The keeping, grazing or feeding of livestock or livestock products for sale.
Qualifying Arrival Date (QAD)	The date the worker last migrated to obtain qualifying work. The QAD establishes the day from which the period of eligibility is to be counted. When the worker’s last qualifying arrival date occurred within the 36 months preceding the interview date, the child is considered migratory.
Qualifying Move	<p>A move qualifies if:</p> <ol style="list-style-type: none"> <li>1. it is a move across school district boundaries</li> <li>2. it involves a change of residence</li> <li>3. the purpose of the worker’s move is to obtain qualifying work in agriculture or fishing</li> </ol>
Qualifying Work	Any activity/work that meets the definition of an “agricultural or fishing activity” and is temporary or seasonal.
Quality Control	The process that ensures migrant children/youth are accurately identified and recruited in the KY MEP.
Raw Product	Any agricultural or fishing product that is removed from its natural state of growth from ground, trees, vines or water. This includes livestock from farms where they are bred, raised and slaughtered.
Receiving State	States whose migrant population moves from other states for qualifying activities. Kentucky is considered to be a receiving state.
Recruiter	Those assigned with the responsibility to identify and recruit all possible migrant children/youth.
Referral	The act of directing someone with a need to the appropriate resource for addressing that need.
Re-Interview	Contacting the family/youth to verify that the information on the COE supports a proper determination of eligibility.

Residency Date	Also known as Date of Arrival – the date of the student’s arrival in the school district for the first time.
Reviewer	An annually trained staff person responsible for approving and verifying that the information on a COE supports a proper determination of eligibility.
STAMP of Eligibility	Final approval and assurance from the LEA that all eligibility factors are met by the migrant family. Such eligibility factors include <b>School completion, Time of move, Age, Move across district lines and Purpose.</b>
School Completion	The graduation from a United States high school or the receipt of a General Equivalency Diploma (GED).
Seasonal Work / Employment	Employment that depends on the natural cycles of weather and meteorological, atmospheric and/or climate/weather cycles. Planting, cultivating, pruning, harvesting and related food processing are seasonal activities in agriculture. Planting and harvesting clams and oysters, fishing during seasonal runs of fish and related food processing are seasonal activities in commercial fishing.
Sending State	States whose migrant population moves to other state for qualifying activities. Florida, Texas and California are considered sending states.
Short Move	Relocating to an area for a time period less than 10 days.
State Educational Agency	The Kentucky Department of Education (KDE) is responsible for the daily administration of the MEP at the state level. Responsibilities may include, but are not limited to, disbursing MEP funds to LEAs for the purposes of the KY MEP.
Temporary Work / Employment	Employment in agriculture or fishing that lasts for a short time frame usually no longer than 12 months.
To Join	A move by the child(ren) less than 12 months prior to or after the qualifying worker’s move date.
To Join Date	Date when the child(ren) and qualifying worker complete the move to be united.
To Obtain	A move made by a worker (preferably having performed qualifying work) to an area with the intention of obtaining qualifying work.
To Seek	A move made by a worker (preferably having performed qualifying work) to an area with the intention of obtaining qualifying work, but circumstances beyond the worker’s control prevented the worker from performing the intended qualifying work.

## IX. ACRONYMS

BAM	Born After Move
BIP	Basic Interview Pattern
BOE	Board of Education
CNA	Comprehensive Needs Assessment
COE	Certificate of Eligibility
COS	Continuation of Services
DOB	Date of Birth
DOE	Department of Education
DPP	Director of Pupil Personnel
ENR	Enrollment Date
EOE	End of Eligibility
ESCORT	Eastern Stream Center on Resources Training
EL	English Learners
ESL	English as a Second Language
FERPA	Family Educational Rights and Privacy Act
FRC	Family Resource Center
FRYSC	Family Resource Youth Service Center
GED	General Equivalency Diploma
HEC	High School Equivalency
ID&R	Identification and Recruitment
KDE	Kentucky Department of Education
K-PREP	Kentucky Performance Rating for Educational Progress
LEA	Local Education Agency
LEP	Limited English Proficiency
MB	Multiple Births
MEP	Migrant Education Program
MIS2000	Kentucky's State Database for Migrant Children
MSIX	Migrant Student Information Exchange
OME	Office of Migrant Education
OSY	Out-of-School Youth
PAC	Parent Advisory Council
QAD	Qualifying Arrival Date
RES	Residency Date
SEA	State Education Agency
USED	United States Department of Education

## X. APPENDICES

A	Certificate of Eligibility	J	ID&R Plans and Logs
B	Kentucky Recruiter Code of Ethics	K	Cultural Tips
C	STAMP of Eligibility	L	Country Codes and Abbreviations
D	Instructions for Completing COE	M	Kentucky Crop Timeline
E	FERPA	N	Basic Pattern for Determining Eligibility
F	COE Review Checklist	O	Certificate of Eligibility Review Form
G	Eligibility Screening Tool (Sample)	P	Agricultural Survey
H	Family Survey (Sample)		
I	Recruiter Tips		

## APPENDIX A

District Name: \_\_\_\_\_ Enrollment Date (MM/DD/YYYY): \_\_\_\_\_  
 COE ID #: \_\_\_\_\_ Residency Date: \_\_\_\_\_

## Kentucky Migrant Program Certificate of Eligibility (COE)

## I. FAMILY DATA

2. Female Parent/Guardian (last name, first name, MI): \_\_\_\_\_

3. Current Address: \_\_\_\_\_ 4. City: \_\_\_\_\_ 5. State: \_\_\_\_\_ 6. Zip: \_\_\_\_\_ 7. Telephone: \_\_\_\_\_

## II. CHILD DATA

1. Gr	2. Sch code	3. Last Name 1	4. Last Name 2	5. First Name	6. Middle Name	7. Suffix	8. Sex	9. Etn	10. Birth Date MM/DD/YYYY	11. Age	12. MB	13. Code	14. Birthplace City State Country	15. Student Id

## III. QUALIFYING MOVE &amp; WORK

1. The child(ren) listed above moved from a residence in \_\_\_\_\_ to a residence in \_\_\_\_\_.

2. The child(ren) moved (complete both a. and b.):  
 a. ☐ on own as worker, OR ☐ with the worker, OR ☐ to join or precede the worker.

b. The worker, \_\_\_\_\_, is the child or the child's ☐ parent ☐ spouse ☐ guardian.

i. (Complete if "to join or precede" is checked in 2a.) The worker moved on \_\_\_\_\_ The child(ren) moved on \_\_\_\_\_ (provide comment)

3. The Qualifying Arrival Date was \_\_\_\_\_

4. The worker moved due to economic necessity in order to obtain:

a. ☐ qualifying work, and obtained qualifying work, OR

b. ☐ any work, and obtained qualifying work soon after the move, OR

c. ☐ qualifying work specifically, but did not obtain the qualifying work.

1. ☐ The worker has a prior history of moves to obtain qualifying work (provide comment) OR

ii. ☐ There is other credible evidence that the worker actively sought qualifying work soon after the move (provide comment).

5. The qualifying work, "\_\_\_\_\_, was (make a selection in both a. and b.):

a. ☐ seasonal OR ☐ temporary employment

b. ☐ agricultural OR ☐ fishing work

\*If applicable, check:

☐ personal assistance (provide comment)

6. (Complete if "temporary" is checked in #5a) The work was determined to be temporary employment based on:

a. ☐ worker's statement (provide comment), OR

b. ☐ employer's statement (provide comment), OR

c. ☐ State documentation for \_\_\_\_\_

## VII. CONTINUED RESIDENCY VERIFICATION

1. Funding Year	2. Parent/Guardian or Person Interviewed	3. Relationship	4. Date	5. Migrant Program Representative	6. Date

0909

87

## V. PARENT/GUARDIAN/SPOUSE/WORKER SIGNATURE

I understand the purpose of this form is to help the State determine if the child(ren)/youth listed above is/are eligible for the Title I, Part C, Migrant Education Program. To the best of my knowledge, all of the information I provided to the interviewer is true.

Check all that apply

1. I give permission for my child(ren) to participate in the Title I Migrant Program. Yes / No ☐ ☐

2. I have been informed about FEPPA. I authorize the school district to release, ☐ ☐

Transfer, And/or receive my child(ren)'s educational and health records with other districts, ☐ ☐

Educational agencies and pertinent agencies, including the ID&R office. ☐ ☐

Signature \_\_\_\_\_

Relationship to the child(ren) \_\_\_\_\_

Date \_\_\_\_\_

## VI. ELIGIBILITY DATA CERTIFICATION

I certify that based on the information provided to me, which in all relevant aspects is reflected above, I am satisfied that these children are migratory children as defined in 20 U.S.C. 6899(2) and implementing regulations, and thus eligible as such for MEP services. I hereby certify that, to the best of my knowledge, the information is true, reliable, and valid and I understand that any false statement provided herein that I have made is subject to fine or imprisonment pursuant to 18 U.S.C. 1001.

Signature of Interviewer \_\_\_\_\_

Date \_\_\_\_\_

Signature of Designated SEA Reviewer \_\_\_\_\_

Date \_\_\_\_\_



## APPENDIX B Kentucky Recruiter Code of Ethics

### Preamble

Commitment to ethical, professional conduct is expected of every recruiter and any individual with identification and recruitment responsibilities (recruiter, advocate, COE reviewer) in the Kentucky Migrant Education Program (KY MEP). This code is intended to serve as a basis for ethical decision making in the conduct of professional work. In addition, it may serve as a basis for judging the merit of a formal complaint pertaining to violation of professional ethical standards.

### Standards of Professional Conduct

All recruiters, and all those involved in the identification and recruitment of migrant families, children, and/or youth must:

- Seek to enhance the recruitment profession by upholding high standards in all aspects of their professional responsibilities to the Kentucky Migrant Education Program.
- Commit to represent themselves and the KY MEP fairly, with dignity, honesty, and courteousness at all times; and should not engage in any activities which would bring the recruitment efforts or the MEP into disrepute.
- Comply with federal and state legislation and regulations as they affect the process of identification and recruitment; and must not assist or act in collusion with migrant families, children, and/or youth to knowingly circumvent the law or standards of ethical recruitment practices in any way.
- Accept that, as an employee of the KY MEP, each individual has a responsibility not only to do the right thing but also to avoid behavior that could be perceived as failing to do the right thing. Employees should always act in the best interest of the KY MEP and avoid even the appearance of a conflict of interest.
- Ensure that they continuously update their professional knowledge in relation to identification and recruitment by committing to a minimum of attending regional meetings, State Academy, and an annual National Conference (at least one person per district).
- Respect confidentiality at all times in relation to families, children, and/or youth (Family Education Rights and Privacy Act – FERPA).
- Report to the appropriate local regulatory body any recruiter or individual involved in identification and recruitment that has breached any regulation or legislation applicable to the identification and recruitment of migrant families, children, and/or youth in Kentucky.
- Use the Certificate of Eligibility (COE) and Basic interview Pattern (BIP) at all times to document the eligibility of a child and/or youth in the KY MEP. \*
- Refrain from inappropriately using any KY MEP document (i.e., documenting false information on COE or sharing family/youth's information beyond FERPA guidelines).
- Take the necessary steps to perform the job safely at all times, protecting clients, colleagues and themselves. An employee should immediately report to management any unsafe situation.

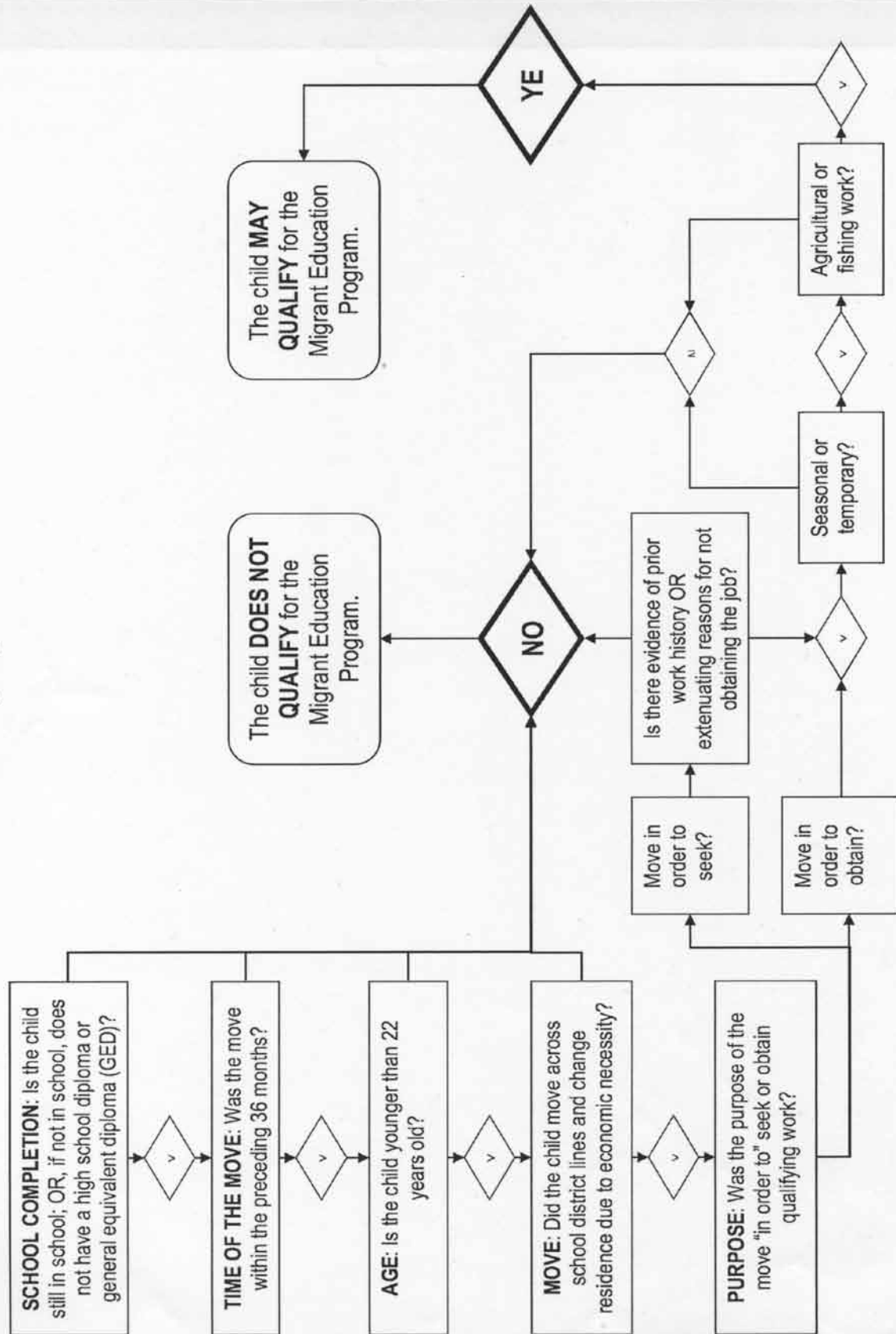
### Conclusion

The role of a recruiter is a challenging one; however, it is also an honorable and critical part of the KY MEP. This code was developed for those who serve in this role and should be used as a tool for proper ethical decision-making. Committing to this code will ensure the integrity of the KY MEP and the continued service of eligible migrant families, children, and/or youth.

\* Last revised October 23, 2012

APPENDIX C

STAMP of Eligibility Flowchart





## APPENDIX D Completing the COE

### General Instructions

The COE serves as the official record used by Kentucky to enroll eligible migrant children into the Migrant Education program. The National Certificate of Eligibility instructions have been integrated into Kentucky's COE instructions. The interviewer must be authorized by the State Education Agency (SEA) to assure his/her knowledge about eligibility criteria to make correct eligibility determination and to be able to convey information about the services available for eligible students. Educational and support services cannot be provided until the child has been determined eligible and the COE form is completed in writing.

Each section must be completed. Do not leave any item blank. Use "N/A" or dashes (-) to acknowledge that an inquiry has been made. The clerk cannot enter the data into MIS2000 without this information. If more than five children are in the family, begin a new COE.

The COE must be completed in **blue** ink through a personal interview with the family. It is mandatory that the COE be completed by the recruiter, not the family member being interviewed. The information must print legibly. Use of correction fluid or erasable ink is not permitted. Any changes made on the COE must be initialed and dated by the person making the change. If changes are made for Qualifying Activities and /or comments, a new COE must be completed. Instructions for completing the COE are on the reverse of the COE. If additional space is needed to clarify the information on the COE, please use the BIP or an additional sheet of paper.

Remember: A COE must be completed every time a child makes a new qualifying move.

The completed form should include the names of all migrant children who traveled with the family. This includes preschool children, children attending school and children not attending school. The recruiter must not include any child(ren) who:

- (1) were born after the qualifying move
- (2) is not eligible to receive a free public school education [e.g., has graduated from a United States high school or obtained a General Educational Development (GED) certificate]
- (3) did not make the qualifying move described on the COE.

If the recruiter completes a COE for a family, the recruiter must fill out a separate COE for any child who has a different qualifying arrival date (QAD) or for any child who has different eligibility criteria than the rest of the children in the family, such as an out of school youth (OSY) who may have moved on his or her own. In general, the QAD is the date that both the child and worker completed the move for the worker to find qualifying work. There are special cases that are described in the instructions for the section titled "Qualifying Move and Work Section."

After the form has been completed and signed by the parent and recruiter, it should be forwarded within the workweek to the regional office. It is recommended that the recruiter make copies of the COEs for his/her working files. Once the COE is received at the regional office, the clerk and coordinators review it before the clerk keys in the information into MIS2000. Any needed corrections must be made prior to keying the information into MIS2000.

### District Name

List the name of the school district where the child(ren) reside.

### COE ID#

The clerk will enter this when the COE is entered into MIS2000.

### Enrollment Date

This is the date when the child(ren) enroll(s) in the school district. An enrollment date is required for all students in the MEP. For all preschool, UG and OSY students, the enrollment dates are determined by the same calendar as a regular child enrolled in school. During the regular school year, use the QAD date; during the summer, use the QAD date unless they were found after the regular school year has already started, then use the first day of school (i.e., QAD is 7/11/14, and you found them 9/21/14). If you found them after they have been residing in the district for a while, use the first day of the current school year (i.e., QAD is 12/12/13, and you found them 9/21/14).

## Residency Date

If the “residency date” is different from the QAD, record the date (MM/DD/YYYY) that the child(ren) entered the present school district. If the child(ren) qualified for the MEP on a move prior to the move to the present school district, the residency date will be later than the QAD. If the child(ren) moved prior to the worker’s move, the residency date would precede the QAD. If the “residency date” is the same as the QAD, write a dash (-) or “N/A.”

## Section I: Family Data

1. Male Parent/Guardian: Record the name of the male (if any) currently responsible for the child(ren). Record this individual’s legal last name (or names) and legal first name. If the male parent has two last names or a hyphenated last name, record the male parent’s last name(s) as it legally exists. If the “child” is the worker (an OSY) and is male, write the child’s name for this data element.
2. Female Parent/Guardian: Record the name of the female (if any) currently responsible for the child(ren). Record this individual’s legal last name (or names) and legal first name. If the female parent has two last names or a hyphenated last name, record the female parent’s last name(s) as it legally exists. If the “child” is the worker (an OSY) and is female, write the child’s name for this data element.

Remember: The term “parent” on this form includes a legal guardian or other person who is standing in the place of the parent or in loco parentis (such as a grandparent, spouse or stepparent with whom the child lives and is responsible for the welfare of the child).

3. Current Address: Record the physical address, including the complete name of the street or road where the child(ren) currently reside(s). In cases where a formal physical address is not available, include as much other identifying information as possible (e.g., trailer number, rural route, migrant camp or landmark). If the physical address is different from the mailing address, provide the mailing address in the Comments section of the COE.
4. City: Record the name of the city or town where the child(ren) currently reside(s).
5. State: Record the postal abbreviation used by the U.S. Postal Service for the state where the child(ren) currently reside(s).
6. Zip Code: Record the five- or nine-digit zip code where the child(ren) currently reside(s). The U.S. Postal Service has an online zip code directory service at <http://zip4.usps.com/zip4/welcome.jsp>.
7. Telephone: Record the telephone number, including area code, of the family. If no telephone number is available, write a dash (-) or “N/A.”

## Section II: Child Data

1. Grade: Record the appropriate grade level for each child listed on the COE:
  - PO = under age 1
  - P1 = 1 year old
  - P2 = 2 years old
  - P3 = 3 years old
  - P4 = 4 years old
  - P5 = 5 years old and not in kindergarten
  - K = enrolled in kindergarten
  - 1-12 = grades 1–12.
  - UG = Ungraded students; may include students in special education, transitional bilingual program or students working on a GED in a K-12 institution or correctional setting.
  - OSY = Out-of-school youth; may include dropout students or those working on a GED in a non K-12 institution. Exclude preschoolers.

2. School Code: Use the appropriate school code. These are given by the regional record clerk. The Kentucky code is not necessary. If the child is a preschooler or OSY, use the district code.
3. Last Name 1: Record the legal last name of each eligible child in the family. If the child has a multiple or hyphenated last name (e.g., Ramírez-García), record the first part of the name (i.e., Ramírez).
4. Last Name 2: If the child has a multiple or hyphenated last name (e.g., Ramírez-García), record the second part of the name (i.e., García). If the child does not have a multiple or hyphenated name, write a dash (-) or "N/A."
5. First Name: Record the legal first name of each eligible child in the family. This is the name given to the child at birth, baptism or during another naming ceremony, or through a legal name change. Do not record nicknames or shortened names (e.g., Ale or Alex for Alejandra).
6. Middle Name: Record the legal middle name of each eligible child in the family. This is the secondary name given to the child at birth, baptism or during another naming ceremony, or through a legal name change. Do not record nicknames or shortened names (e.g., Ale or Alex for Alejandra). If the child does not have a middle name, write a dash (-) or "N/A."
7. Suffix: Where applicable, record the child's generation in the family (e.g., Jr., Sr., III, 3rd). Otherwise, write a dash (-) or "N/A."
8. Sex: Record the child's sex: "M" for male or "F" for female.
9. Ethnicity: Enter one of the following codes for the ethnicity of each child:

1 = American Indian or Alaskan Native	4 = Hispanic
2 = Asian	5 = White, not Hispanic
3 = Black, not Hispanic	6 = Native Hawaiian or Other Pacific Islander

In the event that a child wants to be listed as more than one ethnicity, simply write both codes in the box.
10. Birth Date: Enter the child's date of birth (MM/DD/YYYY).
11. Age: Enter the age of the child.
12. Multiple Birth (MB): Record "Y" for "yes" if the child is a twin, triplet or in another multiple birth category. Write a dash (-) or "N/A" for not applicable (i.e., the child is not a twin, triplet).
13. Birth Date Verification Code (Code): Record the last two numbers that correspond to the evidence used to confirm each child's birth date (see the codes and corresponding evidence listed below). A birth certificate, if available, is the best evidence of the child's birth date. If a birth certificate is not available, the interviewer may use another document to confirm the child's birth date, including any of those listed below.
  - o 1003 – baptismal or church certificate
  - o 1004 – birth certificate
  - o 1005 – entry in family Bible
  - o 1006 – hospital certificate
  - o 1007 – parent's affidavit
  - o 1008 – passport
  - o 1009 – physician's certificate
  - o 1010 – previously verified school records
  - o 1011 – state-issued ID
  - o 1012 – driver's license
  - o 1013 – immigration document
  - o 2382 – life insurance policy
  - o 9999 – other

If written evidence is not available, the interviewer may rely on a parent's or emancipated youth's verbal statement. In such cases, the interviewer should record "07" – the number that corresponds to "parent's affidavit."

14. Birthplace: Encourage the family to correctly identify the city and state of birth. The birth city is required on the COE and MIS2000. If the child was born in a foreign country, enter the name of the city and country OR state and country.

15. Student ID: The student ID is assigned by MIS2000. This will be filled in by the records clerk.

### Section III: Qualifying Move and Work

In this section, record the qualifying move and qualifying work information that the state believes documents the child's eligibility for the program. In a case of qualifying from a previous move, fill this section based on the qualifying move.

1. The child(ren) listed on this form moved from a residence in \_\_\_\_\_ (School District/City/State/Country) to a residence in \_\_\_\_\_ (School District/City/State)

- from a residence in \_\_\_\_\_ (School District/City/State/Country). This location is the last place of residency before the child(ren) and the parent, spouse or guardian moved due to economic necessity in order to obtain qualifying work. Note that the child(ren) might have made subsequent non-qualifying moves.
- to a residence in \_\_\_\_\_ (School District/City/State). This location is the place of residency where the child(ren) and the parent, spouse or guardian moved due to economic necessity in order to obtain qualifying work. A qualifying move can never be made to a country outside of the United States. As mentioned previously, the child(ren) might have made subsequent non-qualifying moves.

Following are several "qualifying move" scenarios. Identify which scenario applies to the specific eligibility situation and record the necessary information.

Type of move

Type of Move	The child's residence immediately prior to the qualifying move	The child's residence immediately following to the qualifying move
The child(ren) moved ...	The child(ren) moved from a residence in _____ (School District/City/State/Country).	The child(ren) moved to a residence in _____ (School District/City/State/Country).
...from one school district to another within the same U.S. city	School, District, City	School, District, City
...from one school district to another within the same U.S. state	City	City
...from one U.S. state to another U.S. state	City, State	City, State
...from a country other than the U.S. to the U.S.	State, Country	City, State

\*\*If the child and parent moved from different previous residences, record the child's prior residence in response to #1 and record the parent's residence in the Comments section. For the child to be eligible, both the child and the parent must have moved across school district lines and changed residences in the process. \*\*

2. The child(ren) moved (complete both a. and b.):

a. ☐ on own as a worker, OR ☐ with the worker, OR ☐ to join or precede the worker. [Mark only one box]

- Mark the box “on own as a worker” if the child himself or herself moved in order to obtain qualifying work. Only complete the worker’s name in 2b.
- Mark the box “with the worker” if the child(ren) moved with a parent, spouse or guardian for the worker to obtain qualifying work.
- Mark the box “to join or precede the worker” if the child(ren) moved either before or after the date the parent, spouse, or guardian moved to obtain qualifying work. If this box is marked, also complete “i” under 2b.

b. The worker, \_\_\_\_\_ (First and Last Name of Worker),

- Record the first and last name of the individual who sought or obtained the qualifying work (i.e., parent, spouse, guardian or child – if on own as a worker).

... is the child or the child’s ☐ parent ☐ spouse ☐ guardian. [Mark only one box] If the child is an OSY, circle or underline the word “child.”

- Mark the box that indicates the child’s relationship to the worker (i.e., parent, spouse or guardian). Do not select one of these boxes if “on own as a worker” is checked in 2a.

i. (Complete if “to join or precede” is checked in 2a.) The worker moved on \_\_\_\_\_ (MM/DD/YYYY). The child(ren) moved on \_\_\_\_\_ (MM/DD/YYYY). (provide comment)

- o Record the date the worker moved in order to obtain qualifying work. Also record the date the child(ren) moved in order for the parent, spouse or guardian to obtain qualifying work. Also record the reason for the different moves in the Comments section.

3. The Qualifying Arrival Date was \_\_\_\_\_ (MM/DD/YYYY). Record the QAD, using the two-digit numbers that refer to the month and day, and the four digits of the year. For example, May 20, 2013, would be written as 05/20/2013.

In general, the QAD is the date that both the child and worker completed the move. The child must have moved on his or her own, or with or to join a parent, guardian or spouse, to enable the worker (i.e., child, parent, guardian or spouse) to obtain qualifying work. As referenced in 2a, the child and worker will not always move together, in which case the QAD would be the date the child joins the worker who has already moved, or the date when the worker joins the child who has already moved. The QAD is the date that the child’s eligibility for the MEP begins. The QAD is not affected by subsequent non-qualifying moves. For more information on determining the QAD, see the chart below.

Type of Qualifying Move The child...	Qualifying Arrival Date (QAD)-Eligibility Begins The QAD is
...moved <u>with</u> the worker.	...the date the child and worker both arrive in the district where the worker will look for qualifying work.
...moved <u>before</u> the worker moved.	...the date the <u>worker arrives</u> in the district to look for qualifying work.
...moved to join the worker after the worker moved.	...the date the <u>child arrives</u> to join the worker.

4. The worker moved due to economic necessity to obtain: [Mark only one of the following boxes: either a, b, or c.]

a. ☐ qualifying work, and obtained qualifying work, OR

- Mark this box if the child, parent, spouse or guardian moved due to economic necessity to obtain temporary or seasonal employment in agricultural or fishing work, and obtained that work.

b. ☐ any work, and obtained qualifying work soon after the move, OR

- Mark this box if the child, parent, spouse or guardian, moved due to economic necessity to obtain any work and soon after the move obtained temporary or seasonal employment in agricultural or fishing work. Kentucky defines soon

after as 30 days after the QAD. In this situation, it is best to hold onto the COE until qualifying work has been found. If none is found within the 30 days, then the family is not eligible.

c. ☐ *qualifying work specifically, but did not obtain the work. If the worker did not obtain the qualifying work: [NOTE: Also complete box “i,” box “ii” or both.]*

- Mark this box if the child, parent, spouse or guardian moved due to economic necessity to obtain temporary or seasonal employment in agricultural or fishing work, but did not obtain that work. If this box is marked, also mark box i, box ii or both.

i. ☐ *The worker has a prior history of moves to obtain qualifying work (provide comment), OR*

- Mark this box to indicate that the worker has a prior history of moving to obtain temporary or seasonal employment in agricultural or fishing work. Explain this history in the comments section. For example, the recruiter could write, “qualifying worker moved from Brownsville, Texas, to Paris, Kentucky, to set tobacco in May of 2013.” The recruiter also could check the MSIX database or the regional office to see if it contains a history of prior moves to obtain qualifying work and attach the print-out to the COE. In Kentucky, as of fall 2013, prior history cannot go beyond three years.

ii. *There is other credible evidence that the worker actively sought qualifying work soon after the move (provide comment).*

- Mark this box to indicate that there is other credible evidence that demonstrates that the worker actively sought qualifying agricultural or fishing work soon after the move, but the work was not available for reasons beyond the worker’s control. For example, a local farmer or grower confirmed that the worker applied for qualifying work but none was available, or newspaper clippings document that work was not available because of a recent drought, flood, hail storm or other disaster in the area. Explain this evidence in the comments section and attach supporting documentation where available. Be sure to include the farmer’s name on the COE comments.

5. *The qualifying work\*, \_\_\_\_\_ (describe agricultural or fishing work),*

- *Describe agricultural or fishing work.* When describing the specific agricultural or fishing work, the recruiter should use an action verb (e.g., “picking”) and a noun (e.g., “strawberries”). In other words, the recruiter should describe the worker’s action (e.g., “picking”) and the crop, livestock or seafood (e.g., “strawberries”). For example: picking strawberries; thinning sugar beets; pruning grapes; detasseling corn; catching chickens; planting oysters and harvesting crabs. Be sure the activity is specific; DO NOT put “picking fruits.” You should know the type of fruit that the worker is picking.

...was (make a selection in both a. and b.):

a. ☐ *seasonal* OR ☐ *temporary employment,*

- Mark the box for “seasonal employment” if the employment occurs only during a certain period of the year because of the cycles of nature and that, by its nature, may not be continuous or carried on throughout the year. (Section 200.81(j)).

- Mark the box for “temporary employment” if the employment lasts for a limited period of time, usually a few months, but not longer than 12 months. It typically includes employment where the worker states that the worker does not intend to remain in that employment indefinitely, the employer states that the worker was hired for a limited time or the SEA has determined on some other reasonable basis that the employment is temporary. (Section 200.81(k)).

[NOTE: The definition of temporary employment includes employment that is constant and available year-round only if, consistent with the requirements of Section 200.81(k) of the regulations, the SEA documents that, given the nature of the work of those workers whose children were previously determined to be eligible based on the state’s prior determination of the temporary nature of such employment (or the children themselves if they are the workers), virtually no workers remained employed by the same employer more than 12 months.]

b. ☐ *agricultural* OR ☐ *fishing work.*

- Mark the box for “agricultural work” if the work involves the production or initial processing of crops, dairy prod-



ucts, poultry or livestock, as well as the cultivation or harvesting of trees. (Section 200.81(a)).

- Mark the box for “fishing work” if the work involves the catching or initial processing of fish or shellfish or the raising or harvesting of fish or shellfish at fish farms. (Section 200.81(b)). The work may be performed either for wages or personal subsistence. Kentucky currently does not have any qualifying fishing work.

6. (Only complete if “temporary” is checked in 5) The work was determined to be temporary employment based on:

a. ☐ *worker’s statement (provide comment)*, OR

- Mark this box if the work was determined to be temporary employment based on a statement by the worker or the worker’s family (e.g., spouse) if the worker is unavailable (provide comment.) For example, the worker states that he or she only plans to remain at the job for a few months. Provide explanatory comments in comments section.

b. ☐ *employer’s statement (provide comment)*, OR

- Mark this box if the work was determined to be temporary employment based on a statement by the employer or documentation obtained from the employer. For example, the employer states that he or she hired the worker for a specific time period (e.g., three months) or until a specific task is completed and the work is not one of a series of activities that is typical of permanent employment. Provide explanatory comments in comments section. Attach supporting documentation if available.

c. ☐ *state documentation for \_\_\_\_\_ (employer).*

- Mark this box upon verification that the state has current documentation to support that the work described in #5 is temporary employment for this particular employer. In other words, the state has verified that of those workers whose children were previously determined to be eligible based on the state’s prior determination of the temporary nature of such employment (or the children themselves if they are the workers), virtually no workers remained employed by the same employer more than 12 months, even though the work may be available on a constant and year-round basis.
- Employer. Identify the employer, whether it is the name of or code for a farmer, a grower, a business or a corporation, where the worker either sought or obtained qualifying work. **Kentucky currently does not have a state list of temporary employers. This sub-section does not apply.**

## Section IV: Comments

The “Comments” section of the COE allows the recruiter to provide additional information or details that clarify the reasons for the recruiter’s eligibility determination. The recruiter should write clear and detailed comments so an independent party who has no prior knowledge of the eligibility determination can understand the recruiter’s reasoning for determining that the child(ren) is/are eligible. At a minimum, the recruiter must provide comments that clearly explain items 2bi, 4c, 6a and 6b of the Qualifying Move & Work Section, if applicable. As mentioned previously, these items include the following scenarios:

- The child’s move joined or preceded the worker’s move. If the child(ren) joined or preceded the parent, spouse or guardian, record the reason for the child’s later move or the worker’s later move.
- The employment is temporary based on the worker’s statement or the employer’s statement. In particular, record the information provided by the worker or employer regarding how long they expect the employment to last. The comment should be of sufficient length to adequately document how the recruiter came to the eligibility decision. Temporary work can last no longer than 12 months. The comment should state a specific number of months, (e.g., five months).
- The worker did not obtain qualifying employment as a result of the move. In this case, the recruiter must document that the worker stated that one reason for the move was to obtain qualifying work, AND

- o the worker has a prior history of moves to obtain qualifying work
  - o OR there is other credible evidence that the worker actively sought qualifying work soon after the move, but, for reasons beyond the worker's control, the work was not available
  - o OR both. Examples of credible evidence include a statement by a farmer that the worker applied for qualifying work but none was available or a newspaper clipping regarding a recent drought in the area that caused work not to be available.
- The qualifying work is in a nursery. Many activities done in a nursery could be confused with landscaping. Therefore, it is considered best practices to include a comment clarifying what exactly is being done and specifically where it is taking place. For example, "planting trees" could also be landscaping, so an appropriate comment would be "worker works at xxxx Nursery planting and tending trees."
  - The work was found soon after the move. It is not always obvious that the work was found within 30 days of the QAD. A comment should be included letting a reviewer know the time frame it took the worker to find a job; "worker began working 3/24/13."

OME recommends that the recruiter provide additional comments on the COE in the following circumstances and in any other circumstances in which a third party may question the eligibility determination:

- The information on the COE needs additional explanation to be clearly understood by an independent outside reviewer.
- The basis for the preliminary eligibility determination is not obvious. For example, the work is unusual enough that an independent reviewer is unlikely to understand that it is qualifying work. An explanation is needed to enable a reviewer to understand how the preliminary eligibility determination was made.
- The work could be part of a "series of activities" that, viewed together, would constitute year-round employment (e.g., mending fences on a dairy farm and bailing hay could be two parts of year-round ranching with one employer).
- The work may be viewed by an independent reviewer as either temporary or year-round employment (e.g., collecting eggs or milking cows).
- A "move" is of such brief duration or of such a short distance (or both) that one could question whether any migration has occurred (e.g., intra-city or intra-town move that is across school district boundaries).
- A parent or guardian uses a symbol such as an "X" or other valid mark as a signature.
- The person who provided the information on the COE form is not the worker.
- The qualifying move corresponds to school breaks and could be viewed by some as a return from vacation or a move for personal reasons, not a move for economic necessity whereby the worker sought or obtained qualifying work. In this case, the recruiter should explain why the move away was for economic necessity and not for personal reasons.
- The mailing address is different from the child's physical residence; provide the mailing address as a comment.
- The child(ren) and parent moved from different previous residences. Record the parent's previous school district/city/state/country of residence.
- It is a qualifying off a previous move situation. Section III will be filled out based on the move that qualified and the QAD and RES will be different.
- If the recruiter found the family a year after their QAD date, a comment should be made as to why it took so long to find this family. This comment can be added on the BIP since there is not much room on the COE.

## Section V: Parent/Guardian Signature

The interviewee signs and dates the COE on the day the interview is conducted. The interviewee also must write his or her relationship to the child.

The person who signs the COE must be the source of the information contained in the document and should verify any information provided by another source. If the parent is unable to sign his or her name, the parent must mark an "X" in the signature section, and the recruiter must print the parent's name and relationship to the child in the Comments section. If a parent refuses to sign his or her name, the recruiter must document the parent's refusal in the Comments section and print the parent's name and relationship to the child.

## Section VI: Eligibility Data Certification

The recruiter signs and dates the COE on the day the interview is conducted.

*I certify that based on the information provided to me, which in all relevant aspects is reflected above, I am satisfied that these children are migratory children as defined in 20 U.S.C. 6399(2) and implementing regulations, and thus eligible as such for MEP services. I hereby certify that, to the best of my knowledge, the information is true, reliable and valid, and I understand that any false statement provided herein that I have made is subject to fine or imprisonment pursuant to 18 U.S.C. 1001.*

*Signature of Interviewer, Date*

*Signature of Designated SEA Reviewer, Date*

At least one SEA-designated reviewer must check each completed COE to ensure that the written documentation is sufficient and that, based on the recorded data, the child(ren) may be enrolled in the MEP. The SEA-designated reviewer must sign and date the COE on the day it was reviewed.

## Section VII: Continued Residency Verification

This section is to verify that the family is still living in your district after the initial sign-up year. A family has 36 months of eligibility after the QAD date. The migrant funding year runs from Sept. 1 to Aug. 31. You may get the signatures at any time during that period. However, it is best to obtain the signatures as close to Sept. 1 as possible because families are most likely to still be residing in your district. You will use a copy of the original COE that has been signed by the regional coordinator and have the family sign.

Funding year for verification signature – e.g., 2013-2014 signature of parent/guardian during the second funding year, following the initial signing date. Return a copy to the regional office immediately for clerk to forward to the state office. Anyone other than a parent/guardian signing the form must write in the comment section the date and location they physically saw each child.

Information included on the verification COE:

- ✓ person signing's relationship to the child(ren)
- ✓ date the parent/guardian gave the verification signature
- ✓ signature of the MEP representative obtaining the verification signature
- ✓ date the MEP representative signed and obtained the signature

For the third funding year, follow the same protocol.

## APPENDIX E Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.

Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.

Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- School officials with legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

U.S. Department of Education Family Educational Rights and Privacy Act (FERPA) Available at <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

By signing a COE, the parent, guardian or student is certifying that his/her rights under FERPA have been explained by the recruiter. Therefore, it is important that the recruiter know that FERPA provides for the following:

- Parents or eligible students have the right to access and inspect the student's education records (99.10).
- Parents or eligible students have the right to request that education records be corrected if they are found to be inaccurate or misleading (99.20).

Generally, schools must have written permission from the parent or eligible student before releasing any information from a student's education record (99.30 and 99.36). However, FERPA allows schools to disclose those records, without consent, to certain parties under certain conditions.

## APPENDIX F

### Kentucky COE Checklist

#### Basic Review Steps:

- ☐ The completed form shall be submitted within 10 working days to the regional migrant program coordinator or designee for certification of eligibility.
- ☐ COE must be completed legibly in blue ink.
- ☐ Complete all sections. Use "same," "N/A" or dashes to acknowledge that an inquiry has been made for each item.
- ☐ Use the reverse side of the COE to clarify information on this form.
- ☐ The form shall be completed after each qualifying move.

<input type="checkbox"/> Residency & Enrollment Dates entered	<input type="checkbox"/> District/Agency Entered		
<input type="checkbox"/> Section I: Legal Parent/Current Parent/Guardian/Spouse Data – all blanks are filled.			
<input type="checkbox"/> Section II: Child Data – appropriate codes used when required (race, birth verification, status)			
<input type="checkbox"/> Section III: The information included is based on the QUALIFYING MOVE			
<input type="checkbox"/> The appropriate box is checked for #2a. For #2b, the worker's name is written and appropriate box			
<input type="checkbox"/> The appropriate box is checked for #2a. For #2b, the worker's name is written and appropriate box			
<input type="checkbox"/> #2bi is filled in ONLY if there is a "to join" move checked.			
<input type="checkbox"/> #3. The QAD is the date the move was complete (mm/dd/yyyy).			
<input type="checkbox"/> #4. The reason for the move is checked. If #4c is checked, chose i or ii.			
<input type="checkbox"/> #5. The qualifying work is written as an "-ing" verb and noun (chopping tobacco). #5a is chosen based on activity and agricultural (#5b) is checked.			
<input type="checkbox"/> #6. Complete ONLY if temporary is checked in #5a. Check the appropriate box in #6a or b based off interview.			
<input type="checkbox"/> Section IV: Comments regarding eligibility are entered. Comments are needed when: <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top;"> <input type="checkbox"/> Non-agricultural, non-fishing employment is present  <input type="checkbox"/> Brief or short-duration moves  <input type="checkbox"/> Prior migrant history  <input type="checkbox"/> Seek but not obtained  <input type="checkbox"/> Qualifying from a previous move         </td> <td style="vertical-align: top;"> <input type="checkbox"/> "To join" moves  <input type="checkbox"/> Temporary employment and name of employer  <input type="checkbox"/> Unusual employment that may not be understood by a reviewer  <input type="checkbox"/> Credible evidence for not obtaining employment         </td> </tr> </table>		<input type="checkbox"/> Non-agricultural, non-fishing employment is present <input type="checkbox"/> Brief or short-duration moves <input type="checkbox"/> Prior migrant history <input type="checkbox"/> Seek but not obtained <input type="checkbox"/> Qualifying from a previous move	<input type="checkbox"/> "To join" moves <input type="checkbox"/> Temporary employment and name of employer <input type="checkbox"/> Unusual employment that may not be understood by a reviewer <input type="checkbox"/> Credible evidence for not obtaining employment
<input type="checkbox"/> Non-agricultural, non-fishing employment is present <input type="checkbox"/> Brief or short-duration moves <input type="checkbox"/> Prior migrant history <input type="checkbox"/> Seek but not obtained <input type="checkbox"/> Qualifying from a previous move	<input type="checkbox"/> "To join" moves <input type="checkbox"/> Temporary employment and name of employer <input type="checkbox"/> Unusual employment that may not be understood by a reviewer <input type="checkbox"/> Credible evidence for not obtaining employment		
<input type="checkbox"/> Section V. Authorization/Certification – proper procedures used when parent is unable to sign COE. <input type="checkbox"/> FERPA rights explained to parents.			
<input type="checkbox"/> Section VI. Appropriate boxes <input type="checkbox"/> Recruiter signature; dates are correct.	<input type="checkbox"/> COE is reviewed by another		

## APPENDIX G Eligibility Screening Tool (Sample)

This eligibility tool should be used to screen for potential eligibility for the program prior to filling out the COE. Depending on the parent's responses to the questions below, the recruiter will know whether he/she should proceed with completing the COE.

Recruiters may need to deviate from the questions below to clarify confusing eligibility-related issues or to probe for the relevant information.

- Has your family (or part of your family) ever moved across a school district boundary to seek work?
- When was the most recent time the children in your family moved? (month, year)
- Why did you make that move?
  - o What kind of work were you seeking?
  - o Were you seeking to obtain temporary or permanent work?
  - o What kind of work did you obtain?
  - o If the work obtained was not in agriculture, why not?
- Who moved?
  - o Did a child younger than 22 move with you?
  - o Did a child younger than 22 move to join you?
  - o Was the worker younger than 22 (emancipated youth)?
- Where did you move from (city, state, country)?
  - o Where did you move to (city, state, country)?
- How is this qualifying activity an important part of providing a living for you or for you and your family?

## APPENDIX H Family Survey (Sample)

(Print on School Letterhead)

Dear Parents,

To better serve your children, the \_\_\_\_\_ school district is helping the state of Kentucky identify students who may qualify to receive additional educational services.

***The information provided below will be kept confidential.*** Please answer the following questions and return this form to your child's school. (If you receive more than one of these surveys, only complete one and list below the names of all your children.)

Name of your child: \_\_\_\_\_ Age \_\_\_\_\_ Grade \_\_\_\_\_

1. Have you or your family moved from one town or school district to another within the state or out-of-state within the past three years? Yes \_\_\_\_\_ No \_\_\_\_\_

If "NO" then you do not need to complete the remainder of this survey. If "YES," please continue.

2. Did the children in your family go with you or join you at a later date? Yes \_\_\_\_\_ No \_\_\_\_\_

If "NO" then you do not need to complete the remainder of this survey. If "YES," please continue.

During the last three years:

3. Were any of these moves made with the intent to find temporary or seasonal work in agricultural or fishing-related activities? Yes \_\_\_\_\_ No \_\_\_\_\_

If "NO" then you do not need to complete the remainder of this survey. If "YES," please continue and circle all that apply.

a. working on a farm                      g. working on a poultry farm



- |    |                              |    |                                   |
|----|------------------------------|----|-----------------------------------|
| b. | working on a ranch           | h. | working in a plant nursery        |
| c. | working in a cannery         | i. | tree growing or harvesting        |
| d. | working in a dairy           | j. | working in a greenhouse           |
| e. | working in a fishery         | k. | picking fruit, nuts or vegetables |
| f. | working in a slaughter house | l. | other similar work: _____         |

Please complete the information below. (Please Print)

Name of Parent/Guardian: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Best Time to Contact You: \_\_\_\_\_

Number of Children in Your Family: \_\_\_\_\_

### Family Survey/Spanish (Sample)

(Print of School Letterhead)

Estimados padres,

Para mejorar los servicios educacionales de sus hijos, el distrito de la escuela de \_\_\_\_\_ está colaborando con el estado de Kentucky para identificar a aquellos estudiantes que pueden calificar para recibir servicios educativos adicionales.

Toda información proporcionada será mantenida confidencial. Favor de responder a las siguientes preguntas y devolver esta forma a la escuela de su niño. (Si usted recibe más de una encuesta, complete sólo una forma y enliste abajo los nombres de todos sus hijos.)

Nombre de su Niño: \_\_\_\_\_ Edad \_\_\_\_\_ Grado \_\_\_\_\_

1. ¿Usted o alguien en su familia han viajado de una ciudad o distrito escolar a otro dentro del estado o fuera del estado en los últimos 3 años?      Sí \_\_\_\_\_ No \_\_\_\_\_

Si usted contestó "NO" no es necesario terminar el resto de esta encuesta. Si usted contestó "SÍ," favor de continuar.

2. ¿Viajaron sus hijos con usted o lo acompañaron a usted después?      Sí \_\_\_\_\_ No \_\_\_\_\_

Si usted contestó "NO" no es necesario terminar el resto de esta encuesta. Si usted contestó "SÍ," favor de continuar.

Durante los últimos tres años:

3. ¿Fueron estos viajes hechos con la intención de encontrar trabajo a corto plazo o temporal en actividades relacionadas a la agricultura o la pesca?      Sí \_\_\_\_\_ No \_\_\_\_\_

Si usted contestó "NO" no es necesario terminar el resto de esta encuesta. Si usted contestó "SÍ," favor de continuar. (Seleccione todo aquello que aplica.)

- |  |  |
|--|--|
| a. trabajando en un rancho/ganadero        | g. trabajando en granjas avícolas        |
| b. trabajando en una hacienda agrícola     | h. trabajando en un vivero de plantas    |
| c. trabajando enlatando frutas o vegetales | i. plantando o cosechando árboles        |
| d. trabajando en una lechería              | j. trabajando en un invernadero          |
| e. trabajando en la pesca                  | k. recogiendo frutas, nueces o vegetales |
| f. trabajando en una casa de matanza       | l. otro tipo de trabajo similar:         |

Favor de completar la siguiente información (use letra de bloque).

Nombre del Padre/Guardián: \_\_\_\_\_

Dirección: \_\_\_\_\_

Teléfono: \_\_\_\_\_ La Mejor Hora para Localizarlo: \_\_\_\_\_

Número de niños en su familia: \_\_\_\_\_

## APPENDIX I Recruiter Tips

- Always be prepared with COEs, BIPs, blue pens, business and hotline cards, welcome bags, maps, brochures, door hangers, community information.
- Try to use the same vehicle on visits. It becomes a symbol of identification.
- Make sure someone knows where you are going at all times.
- Invite school personnel to join in-home visits as a way to help break down barriers between school and families.
- Know your program and what services your program can offer along with community resources.
- Demonstrate an appreciation for each family's culture, language, lifestyle and unique background.
- Consider each prospective worker on an individual basis regarding migrant history, purpose for moving, length of time at job or other factors.
- Be sure to confirm that each child in the migrant family meets eligibility criteria.
- Document everything!
- Network and coordinate with local/regional organizations that provide services to migrant families.
- Enlist the help of a parent advocate for the MEP when working with a hesitant family.
- Never promise services to the families/youth until you are certain of eligibility.
- Identify high-impact migrant areas.
- Recruit by areas.
- Identify peak flux periods for migrant families.
- Maintain direct communication with schools.
- Set up weekly schedules for recruitment.
- Develop partnerships with agencies. Contact them on a regular basis for referrals.
- Conduct "door-to-door" recruitment in high-impact neighborhoods.
- Get to know crew leaders, farmers and growers.
- Get to know key school personnel – ESL staff, clerks, secretaries, people who use Infinite Campus who can run new enrollment reports.
- Use school/agricultural surveys.
- Become familiar with the geographic area and what crops are cultivated. Drive around if necessary.
- Attend and participate in regional, state and national identification and recruitment training opportunities.
- Work regularly with a regional support team.
- Use interpreters/translators if not bilingual (usually someone at the regional or district office).

- Have access to current student information.
- Keep in touch with recruited families.
- Always ask about new families moving in. Referrals can be a great recruiting tool.
- Always follow through. Do not promise services you know you can't deliver. The power of the "word of mouth" in the migrant community is amazing.
- Organize a schedule around phone calls, home visits, community contacts and school visits.
- Keep track of how many families were contacted and how many qualified on a regular basis.
- Set goals not based on numbers but on recruitment efforts.
- Revisit families. New qualifying moves count.
- Ask: Are there any students/siblings who are not attending school or have not graduated from high school under the age of 22?
- Check with labor contractors and bunk houses.
- Establish contact with agencies and businesses that serve migrant families for the purpose of having them assist by referring potential eligible families. Community agency contacts may include health clinics, day care centers, adult education program providers, government agencies, farm worker unions, legal aid agencies and churches. Business contacts may include laundromats, stores, movie theaters, restaurants and shopping malls.
- Develop positive public relations between the MEP and the community. Inform the public of your local MEP. Use newsletters, posters and fliers to inform and recruit potential migrant families by placing them in prominent locations throughout the community.
- Attend interagency meetings to make connections and share MEP information.
- Work with the local extension office, FFA and/or Cattleman's Association.
- Contact the media so that announcements are played on local radio and television stations. Announcements also are placed in the public service announcement section of the local newspaper.
- Other migrant families are a rich source of information. They know of other families and coworkers who may qualify and other places that potential migrant families may frequent, such as parks and flea markets. Invite parents to contact you when they know of other families moving into the area.
- Establish flexible hours that are crucial in the design of community-based recruitment efforts.
- Visit laundromats, Hispanic stores, groceries and restaurants, Walmarts, dollar stores, soccer fields, community pools and other areas. Talk with owners, put out fliers and hand out hotline cards.

Migrant Recruiter's Service Log

Recruiter's Name \_\_\_\_\_ Log from \_\_\_\_\_ to \_\_\_\_\_ District Name \_\_\_\_\_

Date	Mileage	FamilyName/ Family Contact	Recruit Yes/No	Agency Contact	Records	Identified Needs			
						Social	Academic	Medical	Other

Migrant Recruiter's Log for \_\_\_\_\_ School Term \_\_\_\_\_

Recruiter's Name \_\_\_\_\_ District's Name \_\_\_\_\_

Date	Travel Mileage	Qualified (yes/no)	Family Name Interviewed	Comments





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**Kentucky Migrant Education Program  
Recruitment Plan**

Name \_\_\_\_\_

Date \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

District \_\_\_\_\_

District Supervisor \_\_\_\_\_

Job Description:

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Time and Effort Breakdown: (Time spent on ID & R versus other duties if applicable)

Example:

ID & R -15%

Advocate – 15%

Family Resource Center – 70%

Percentage of salary paid with migrant funds:

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List (in priority order) methods used to identify and recruit migrant students: (If survey is used, please attach)

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List agencies with which coordination takes place to locate migrant families:  
(Provide evidence of coordination)

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If coordination with other agencies took place, list and provide samples of recruitment effort conducted with and by other agencies:

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*\*\*Examples:*

*Qualifying Activities:*

*Begin Date:*

*End Date:*

*Setting Tobacco  
Cutting Tobacco  
Housing Tobacco*

*May  
August  
August*

*June  
September  
September*

Qualifying Activities

Begin Date

End Date

<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>


What months during the year does most recruiting take place?


List most frequent locations where families move from/to

Location from:		Location to:
	to	
	to	
	to	
	to	
	to	
	to	

Reasons for increasing or decreasing in migrant student population in your district:


List some of your successful recruiting practices (e.g. flexible hours)

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How do you hope to grow as a recruiter this year?

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## Hispanic Cultural Tips

Family Structure	<ul style="list-style-type: none"> <li>• Unity</li> <li>• Permanence and retention with the family</li> <li>• Extended family</li> <li>• Family members interdependent</li> <li>• Father is head and mother responsible for the home</li> <li>• Needs of family above individual concerns</li> <li>• Protective and prolonged dependence in child rearing</li> </ul>
Support Systems	<ul style="list-style-type: none"> <li>• Prefers informal support systems to formal</li> <li>• Prefers private to government</li> <li>• Family and community often serve as support system</li> </ul>
Work Styles	<ul style="list-style-type: none"> <li>• Willingness to do additional tasks and work additional hours</li> <li>• Group efforts encouraged /moral support to coworkers</li> <li>• Work well in groups</li> <li>• Value in working and earning money</li> <li>• Work is cooperative versus competitive</li> </ul>
Philosophy/Outlook	<ul style="list-style-type: none"> <li>• Present orientated – emphasis on what is occurring at the present moment; flexible view of time</li> <li>• Responsibility to extended family</li> <li>• Strong sense of community</li> <li>• “Machismo” – manhood, honor , dignity, courage to fight</li> </ul>
Education	<ul style="list-style-type: none"> <li>• Greatly value education</li> <li>• Believe college is important</li> <li>• Teacher and school viewed with great respect and experts in education, therefore they don’t want to “interfere”</li> <li>• Many parents have lower education levels and limited English proficiency and do not understand U.S. educational systems</li> <li>• Taught to respect teachers and older members of community</li> <li>• Kids work better in groups</li> <li>• Use cooperative learning and human interaction</li> </ul>
Social	<ul style="list-style-type: none"> <li>• Punctuality not important</li> <li>• Hugging and kissing on cheek in greetings</li> <li>• Respect – use proper and respectful titles</li> <li>• Close proximity when talking – small “person space”</li> <li>• Frequent use of hand gestures when talking</li> <li>• Dancing and music important</li> <li>• Information most commonly passed by word of mouth</li> <li>• “Bien educado” – huge compliment meaning child has been brought up well</li> </ul>
Home Visits	<ul style="list-style-type: none"> <li>• Do not honk in expectations to have someone to come to your car</li> <li>• Do not overwhelm the family by arriving with too many people</li> <li>• Accept what is offered – seat, water, etc.</li> <li>• Dress appropriately – nothing official-looking</li> <li>• Dark green is the color of immigration – try to avoid</li> <li>• Respect family and their migrant lifestyle</li> <li>• Try to use the same vehicle on visits</li> <li>• Be prepared with your information</li> <li>• Don’t use first names without permission</li> <li>• Engage in friendly conversation</li> <li>• Have treats (candy, coloring books, crayons) if you know children are present</li> </ul>



COUNTRY CODES		COUNTRY ABBREVIATIONS	
Mexico's State Name	State Abbreviation		
Aguascalientes	AG		ARG = Argentina
Baja California Norte	BN		BLZ = Belize
Baja California Sur	BS		BOL = Bolivia
Campeche	CM		BRA = Brazil
Coahuila	CU		CAN = Canada
Colima	CL		CHL = Chile
Chiapas	CS		COL = Colombia
Chihuahua	CH		CRI = Costa Rica
Distrito Federal	DF		CUB = Cuba
Durango	DG		DOM = Dominican Republic
Guanajuato	GT		ECU = Ecuador
Guerrero	GR		ESP = Spain
Hildago	HG		GTM = Guatemala
Jalisco	JA		HND = Honduras
México (State)	MX		HTI = Haiti
Michoacán	MC		MEX = Mexico
Morelos	MR		NIC = Nicaragua
Nayarit	NA		PAN = Panama
Nuevo León	NL		PER = Peru
Oaxaca	OA		PRY = Paraguay
Puebla	PU		SLV = El Salvador
Querétaro	QE		URY = Uruguay
Quintana Roo	QI		VEN = Venezuela
San Luis Potosí	SL		
Sinaloa	SI		
Sonora	SO		
Tabasco	TB		
Tamaulipas	TM		
Tlaxcala	TL		
Vera Cruz	VE		
Yucatán	YU		
Zacatecas	ZA		

## APPENDIX M Kentucky Crop Timeline

### Blue Berries

February	pruning established vines
March-May	planting first-time crop or replacement vines
May-June	harvest / Picking
October-November	planting first time crop or replacement vines

### Hay

May-September	baling hay, hauling hay
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### Land Reclamation

March-May	hydro-seeding, spreading straw, spreading grass
September-October	hydro-seeding, spreading straw, spreading grass
December-February	tree seeding

### Seasonal (plants growing season and demand of plant)

#### Flowers (e.g. roses, poinsettias, ferns)

Plant and Herbs (e.g. garlic, basil, oregano, lavender)  
 Sod Farms (prepare, maintain, cut, stacking, rolling)  
 Christmas Tree Farms (cutting and stacking)  
 Self-sustaining Seasonal nurseries

### Strawberries

March- April	preparing soil, fertilizing, and planting
May-July	de-blooming, harvesting, weeding, spraying
August	harvesting, weeding, fertilizing, and soil preparation
December	mulching

### Tobacco

March-April	preparing soil, sowing seeds in tobacco beds, tobacco green houses, preparing floating beds for plants
May-July	planting: pulling tobacco plants, plugging tobacco plants, setting tobacco
June-August	chopping tobacco, hoeing tobacco, irrigating tobacco
July-August	topping tobacco, spraying/oiling tobacco, hand pollinating tobacco
August-December	topping, cutting tobacco, housing tobacco
November-February	stripping tobacco, bulking tobacco, cleaning barns

### Vegetables

May-June	Planting:	cabbage, cucumbers, lettuce, peppers, pumpkins, squash, tomatoes
July-August	Planting:	broccoli
June-October	Harvesting/picking:	all of the above

## Kentucky Migrant Education Program

District: \_\_\_\_\_

COE ID: \_\_\_\_\_

## Section I.

Names of Child(ren) / OS: \_\_\_\_\_

☐ Does Not Qualify  
☐ Previous Move  
 Move No# \_\_\_\_\_

Name of Person Interviewed: \_\_\_\_\_

Relationship to Child: \_\_\_\_\_

Date of Interview: \_\_\_\_\_

1.) Have you or any family member moved to find work? YES ☐ NO ☐ 2.) When did you last move to find work? \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

3.) Who sought employment: \_\_\_\_\_ 4.) What SPECIFIC type of work were you looking for? \_\_\_\_\_

5.) Did you find this kind of work? YES ☐ NO ☐ 6.) Where did you move FROM: \_\_\_\_\_ 4 \_\_\_\_\_ 5 \_\_\_\_\_
 City State Country City State Country  
 TO
7.) Did the child(ren) move with you? YES ☐ NO ☐ N/A ☐ (If NO is checked, answer question #8 & #9)

8.) When did the worker move? \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ 9.) When did the child(ren) move? \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Comments: \_\_\_\_\_

## Section II.

## Establishing Migrant History

1.) From: \_\_\_\_\_ 3 To: \_\_\_\_\_ 4 Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Did anyone look for work? YES ☐ NO ☐ Was work found? YES ☐ NO ☐ What kind of work? \_\_\_\_\_

2.) From: \_\_\_\_\_ 2 To: \_\_\_\_\_ 3 Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Did anyone look for work? YES ☐ NO ☐ Was work found? YES ☐ NO ☐ What kind of work? \_\_\_\_\_

3.) From: \_\_\_\_\_ 1 To: \_\_\_\_\_ 2 Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Did anyone look for work? YES ☐ NO ☐ Was work found? YES ☐ NO ☐ What kind of work? \_\_\_\_\_

## Additional Comments

Signature of Interviewee: \_\_\_\_\_

Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Signature of Interviewer: \_\_\_\_\_

Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
DRAFTED 04-04-2013

## Instructions for Basic Interview Pattern

**District:** Your county.

**COE ID:** Clerks will complete this

**Names of Child(ren)/OSY:** Names of the child(ren)/OSY that you are qualifying. If there are additional children that do not qualify living with the family, make note of them in the "additional comments" or "comments" section at the end of section 1.

**Name of Person Interviewed:** Who was interviewed, if both parents/guardians are interviewed please list them both.

**Relationship to Child:** What is the person interviewed's relationship to the child that you're qualifying.

**Date of Interview:** The date the interview was done on.

**Section 1:** These questions pertain to the most **CURRENT** move to your **District** regardless of whether this move qualifies or not.

1.) Have you or any family member moved to find work?

2.) When did you last move to find work?

3.) Who sought employment? Put the name of the individual that sought the employment not their relationship.

4.) What **SPECIFIC** type of work were you looking for? Looking for the specific type of work sought ex: cutting tobacco, setting tobacco (use a verb).

5.) Did you find this kind of work?

6.) Where did you move from/to? Where did the worker move from and where did they move to.

7.) Did the child(ren) move with you?

8.) When did the worker move? The date the worker moved into your county.

9.) When did the child(ren) move? The date the child(ren) moved into your county.

**Comments:** Any comment pertaining to the most current move such as; to join move etc. To Join Move: make sure to explain where the worker is coming from and where they went to and where did the children come from and went to. Ex: *Worker moved from FL to KY, children moved from NY to KY.*

## Establishing Migrant History

**Section II:** Establishing Migrant History.

**Gray Numbers:** There are numbers that have been put in place to help you determine which move goes where, numbers start on Question # 6 in Section 1. The numbers should match with their corresponding district or state.

1.)

2.)

3.)

**Additional Comments:**

Comments are required for the following scenarios: moved seeking work, but work was not found; multiple reasons for the move that was not associated with agriculture; residence established more than one month before work is available; family found after 12 months in a district.

The following need to have comments on the COE as well as the BIP: short distance moves; to join moves; temporary employment; and eligibility based upon qualifying move.

Once the BIP is completed, recruiters can complete the top right hand corner. Does the family qualify or not? If they qualify on the most **CURRENT** move, leave it blank. **ONLY** use Move # \_\_\_\_\_ when you're dealing with a **PREVIOUS** qualifying move in which case you would indicate move no 1, 2 or 3 on Section 2.

**Signature of Interviewee, Date & Signature of Interviewer, Date:** Signatures are required as of October 1, 2013. All BIPS without signatures will be sent back to the district for completion. The interviewer and interviewee should both sign and date the BIP for accuracy.

# APPENDIX O

Certificate of Eligibility Review Form				COE #: _____	
Family Name _____					
Recruiter: _____					
Review Date: ____ / ____ / ____					
I. Family Data	NA	Yes	No (Missing Data/Error)	Comment	Date Corrected
Current Father/Mother Names & Relationships correctly entered <i>*Matches BIP and Family Signature (Last names first)(If OSY his/her name is completed here)</i>					
Current & Mailing Address/Phone# complete/format correct					
Residential Move To/From fields are completely entered.					
Residential Date is correct. <i>*Matches BIP</i>					
II. Children Data	NA	Yes	No (Missing Data/Error)	Comment	Date Corrected
Each Child's Grade and School Code are entered correctly.					
Each Child's First, Middle, First/Second Last Names, Suffix are entered correctly. (Dashes are used when no name given. Middle name is written, no initials)					
Each Child's Sex is entered correctly.					
Each Child's Ethnicity is entered correctly. <i>*If more than one both are listed.</i>					
Each Child's DOB/ Age/Multiple Birth/Verification Code are entered correctly.					
Each Child's Birth City, State, Country is entered correctly. <b>No BAM!! (Born After Move)</b>					
<b>(Regional Use)</b> Student ID is completed for Each child.					
III. Qualifying Move & Work	NA	Yes	No (Missing Data/Error)	Comment	Date Corrected
1. Move From/To fields filled in completely/correctly					
2. a) With/To Join/Precede/On Own entered correctly					
Eligibility Sections (Cont)	NA	Yes	No (Missing Data/Error)	Comment	Date Corrected



IV. Comments	NA	Yes	No (Missing Data/Error)	Comment	Date Corrected
If 2bi "to join", 4ci Prior history, 4cii credible evidence, 6a worker's statement, or 6b employers statement, are checked on the COE a comment is mentioned.					
If the QAD is over a year from the sign date, there is a comment stating why it took so long to find the family. (This may be on the BIP)					
If the Qualifying Activity is questionable or doesn't match the timeline.					
If the move is of short distance: the employer, residency and move over district lines were verified.					
V. Parent/Guardian/Spouse/Worker Signature	NA	Yes	No (Missing Data/Error)	Comment	Date Corrected
MEP and FERPA Boxes are marked 'Y'.					
Family Signature matches name of Parent/Guardian/Spouse/Worker, Qualifying Worker.					
Relationship entered is correct for the individual who signed COE. (If it is an OSY, "self" is written.)					
VI. Eligibility Data Certification	NA	Yes	No (Missing Data/Error)	Comment	Date Corrected
Recruiter Signature is correct. Date matches Family Sign Date.					
Reviewer Signature and Date are correct.					

Additional Comments

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b) Qualifying Worker name is spelled correctly *Matches BIP and COE. Relationship to Child(ren) is correct. General Comment as needed to explain Relationship.					
To Join or Precede Worker Move Date and Child Move Date are correctly entered *Matches Interview Form. Move Comment explains why the move was To Join or Precede.					
3. Qualifying Arrival Date is correct *Matches BIP, within the last 36 months					
4. Worker obtained/did not obtain response is entered correctly <b>(only one is checked)</b> a) Worker obtained qualifying work					
b) Worker obtained qualifying work soon after move there is a comment with the date the work began					
c) Worker did not obtain qualifying work, Did Not Obtain Comment gives reason why					
i) Worker has prior history of moves to obtain qualifying work. History is listed in Did Not Obtain Comment					
ii) Credible evidence worker actively sought qualifying work soon after the move. Credible evidence is documented by a third party.					
ci and cii) Comments and documentation are complete.					
5. Qualifying Work/Activity are correct. (Includes an action verb (-ing tense) and a noun (crop, livestock or seafood)					
a) Temporary/Seasonal is correctly entered. Crop/Activity Seasonal based on correct time of year for activity.					
b) Agricultural/Fishing Activity is correctly entered.					
6. Temporary Work – How this was determined is correctly entered (Employer's or Worker's Statement)					
Temporary Comment – Employer or Worker Statement reflects a time period of 12 months or less using an exact number and quote if possible.					





## Kentucky Migrant Education Program

## Identification &amp; Recruitment

## Parent Survey

Address: \_\_\_\_\_

How long has your family lived at your present address? \_\_\_\_\_ years \_\_\_\_\_ months

Has your family moved in the last 3 years? ☐ Yes ☐ NoHas anyone in your family worked in anything related to the jobs listed below? ☐ Yes ☐ NoFeed Cattle,  
Processing,  
Packing

Dairy



Eggs

Cultivation, soil  
preparation

Fishing

Harvest (fruit and  
Vegetables)

Tobacco

Trees  
planting,  
CuttingNursery, sod,  
Greenhouse

Name of Parents \_\_\_\_\_

Please list all children less than 22 years of age

First name	Last name	Gender	School	Grade	Date of birth

Telephone: \_\_\_\_\_ Best time to call: \_\_\_\_\_

10/08



El Programa de Educación Para Migrantes  
Encuesta de Padres

Dirección: \_\_\_\_\_

¿Cuánto tiempo ha vivido su familia en esta dirección? \_\_\_\_\_ años \_\_\_\_\_ meses

¿Se ha mudado su familia en los tres años pasados? ☐ Sí ☐ No

¿Ha trabajado algunos de los trabajos abajo alguien en su familia? ☐ Sí ☐ No



Procesando:  
Pollo, carne, carne de  
cerdo



vaquería



huevos



Cultivo, preparación  
del suelo



Pescando



cosecha (fruta y  
Verduras)



Tabaco



árboles:  
plantando,  
Cortando



Semillero, césped,  
invernadero

Nombre de los padres \_\_\_\_\_

Por favor liste a todos los niños menos de 22 años

Nombre	Apellido	Sexo	Escuela	Nivel	Fecha de nacimiento

Teléfono: \_\_\_\_\_ mejor hora para llamar: \_\_\_\_\_

10/08





